



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-सा.-10032025-261518
CG-DL-W-10032025-261518

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 07] नई दिल्ली, फरवरी 23—मार्च 1, 2025, शनिवार/फाल्गुन 4—फाल्गुन 10, 1946
No. 07] NEW DELHI, FEBRUARY 23—MARCH 1, 2025, SATURDAY/PHALGUNA 4—PHALGUNA 10, 1946

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विदेश मन्त्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 21 फरवरी, 2025

का.आ. 258.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्द्वारा, सरकार भारत के प्रधान कौंसलावास, हम्बनटोटा में ओवैस आरिफ बुख, सहायक अनुभाग अधिकारी, को फरवरी 21, 2025 से सहायक कांसुलर अधिकारी के रूप में कांसुलर सेवाओं का निर्वहन करने के लिए अधिकृत करती है।

[फा. सं. टी. 4330/01/2025(08)]

एस.आर.एच. फहमी, निदेशक (सीपीवी)

MINISTRY OF EXTERNAL AFFAIRS**(CPV Division)**

New Delhi, the 21st February, 2025

S.O. 258.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Mr. Owais Arif Buchh, Assistant Section Officer as Assistant Consular Officer in the Consulate General of India, Hambantota, to perform the consular services as Assistant Consular Officer with effect from February 21, 2025.

[F. No. T. 4330/01/2025 (08)]

S.R.H FAHMI, Director (CPV)

कार्मिक, लोक शिकायत और पेंशन मंत्रालय**(कार्मिक और प्रशिक्षण विभाग)**

नई दिल्ली, 13 फरवरी, 2025

का.आ. 259.—केंद्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री एस. वी. राजू, अपर महा-अधिवक्ता और श्री अन्नम वेंकटेश, अधिवक्ता को रिट याचिका (क्रिमिनल) संख्यांक 2633/2024 और क्रिमिनल प्रकीर्ण आवेदन संख्यांक 25795/2024 के संबंध में दिल्ली उच्च न्यायालय के समक्ष, केन्द्रीय अन्वेषण ब्यूरो की ओर से प्रस्तुत होने के लिए मामलों का निपटान होने तक विशेष लोक अभियोजक नियुक्त करती है।

[फा. सं. 225/32/2024-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**(Department of Personnel and Training)**

New Delhi, the 13th February, 2025

S.O. 259.—In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby appoints Shri S. V. Raju, Additional Solicitor General and Shri Annam Venkatesh, Advocate as Special Public Prosecutor for appearing on behalf of the Central Bureau of Investigation in the Writ Petition (Criminal) Number 2633/2024 and Criminal Miscellaneous Application Number 25795/2024 before the Delhi High Court of Delhi till the disposal of the case.

[F. No. 225/32/2024-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 20 फरवरी, 2025

का.आ. 260.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक (पूर्ववर्ती एसबीएच) के प्रबंधन, संबंध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (74/2018) प्रकाशित करती है।

[सं. एल - 12025/01/2025-आई आर (बी-I)-13]

सलोनी, उप निदेशक

MINISTRY OF LABOUR

New Delhi, the 20th February, 2025

S.O. 260.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.74/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India (Erstwhile SBH) their workmen.

[No. L-12025/01/2025- IR(B-I)-13]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 26th day of December, 2024**INDUSTRIAL DISPUTE LC No.74/2018**

Between:

G. Veerender Kumar S/o Kishan Rao,

Aged about : 33 years, H.No. Block-9,

Bandameedipally, Rajeev Gruha Kalpa,

Flat No. 203, Mahaboobnagar District-509001.

.....Petitioner

AND

1. State Bank of India (Erstwhile SBH)

Administrative Office at Koti, Bank Street

Hyderabad, Telangana Circle,

Rep. by its chief General Manager.

2. The Branch Manager,

State Bank of India (Erstwhile SBH),

Mettugadda Branch (20920), Opp: Diet College.

Mahaboobnagar, Telangana.

Respondents

Appearances:

For the Petitioner: Shri M. Kiran Kumar, Advocates

For the Respondent: Shri Y. Ranjeeth Reddy, Advocate

AWARD

Sri G. Veerender Kumar, who worked as Safaikaramchari/Attender/Peon (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents State Bank of India seeking for reinstate the Petitioner into service with continuity of service, with full back wages, with all other attendant benefits by setting aside the dismissal order, dated 28.04.2017.

2. On the date fixed for Petitioner's evidence, Petitioner called absent. Despite providing sufficient opportunity Petitioner did not adduce any evidence to substantiate his claim. Therefore, a 'No claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 26th day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 फरवरी, 2025

का.आ. 261.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक (पूर्ववर्ती एसबीएच) के प्रबंधन, संबद्ध नियोजको और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (6/2018) प्रकाशित करती है।

[सं. एल - 12025/01/2025-आई आर (बी-1)-14]

सलोनी, उप निदेशक

New Delhi, the 20th February, 2025

S.O. 261.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.6/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India (Erstwhile SBH) their workmen.

[No. L-12025/01/2025- IR(B-I)-14]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 29th day of October, 2024

INDUSTRIAL DISPUTE LC No.6/2018

Between:

Smt. Nimiditali Malli,

W/o Srinivasa Rao,

Aged about 33 years,

H.No. 19-15-2, Rangaraju Veedhi,

Ramachandra Patasala,

Poorna Market, Visakapatnam,

.....

Petitioner

AND

1. State Bank of India (Erstwhile SBH),
Administrative Office at Gunfundry,
Abids, Hyderabad, Amaravathi (A.P.) Circle,
Rep. by its chief General Manager.

2. The Branch Manager,
State Bank of India (Erstwhile SBH),
Gajuwaka Branch (20631),
9/58A, Main Road, Visakhapatnam, A.P.-530026.
3. The Branch Manager,
State Bank of India (Erstwhile SBH),
Spl. Women's Branch (21742), Ground floor,
Visakhapatnam-530001.

... Respondents

Appearances:

For the Petitioner: : M. Kiran Kumar & NN. Murthy, Advocates

For the Respondent : Alluri Krishnam Raju, Advocate

AWARD

Smt. Nimiditali Malli, who worked as Safiakaramchari/ Attender (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents State Bank of India to reinstate the petitioner into service with continuity of service, with full back wages, with all other attendant benefits by setting aside the oral dismissal order given by the Respondent, dated 31-03-2017 and pass such other and further orders as deems fit.

2. On the date fixed for Petitioner's evidence, Petitioner called absent. Despite providing sufficient opportunity Petitioner did not adduce any evidence to substantiate his claim. Therefore, a 'No claim' award is passed for want of evidence.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 29th day of October, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 फरवरी, 2025

का.आ. 262.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (27/2020) प्रकाशित करती है।

[सं. एल - 12025/01/2025-आई आर (बी-1)-16]

सलोनी, उप निदेशक

New Delhi, the 20th February, 2025

S.O. 262.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 27/2020) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India their workmen

[No. L-12025/01/2025- IR(B-I)-16]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 25th day of November, 2024

INDUSTRIAL DISPUTE No. 27/2020

Between:

Shri. Semuri Srinivasulu,

S/o Semuri Somaiah, Chilamanuru,

Balayapalle, Nellore-524132.

.....

Petitioner

AND

1. The Chairman, State Bank of India,
Central Office, Corporate Centre,
Madame Cama Road, Mumbai-400021.

2. The Chief General Manager,
State Bank of India, Local head Office,
Amaravathi Circle, Gunfoundry, Abids
Hyderabad-500001.

...

Respondents

Appearances:

For the Petitioner : None

For the Respondent: Y. Ranjeeth Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.7(18)/2020-B1 dated 08.10.2020 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of State Bank of India in terminating the services of Shri Semuri Srinivasulu, S/o Semuri Somaiah w.e.f. 31.3.1997 without following any procedure and denying him of opportunity is justified? If not, what relief he is entitled to?”

The reference is numbered in this Tribunal as I.D. No 27/2020 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Docket reveals that despite of providing sufficient opportunity petitioner did not filed any claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 25th day of November, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 फरवरी, 2025

का.आ. 263.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (12/2020) प्रकाशित करती है।

[सं. एल - 12025/01/2025-आई आर (बी-1)-18]

सलोनी, उप निदेशक

New Delhi, the 20th February, 2025

S.O. 263.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 12/2020) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India their workmen.

[No. L-12025/01/2025- IR(B-I)-18]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 25th day of November, 2024

INDUSTRIAL DISPUTE No. 12/2020

Between:

Shri. Thupakula Ramakrishna,

S/o T.Venkatashubbaiah,

Main Road, Naidu Palem (Post),

Kadavaloor (M), Nellore-524137.

.....Petitioner

AND

1. The Chairman, State Bank of India,
Central Office, Corporate Centre,
Madame Cama Road, Mumbai-400021.
2. The Chief General Manager,
State Bank of India, Local head Office,
Amaravathi Circle, Gunfoundry, Abids
Hyderabad-500001.

Respondents

Appearances:

For the Petitioner : None

For the Respondent: Y. Ranjeeth Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.7(8)/2020-B1 dated 10.07.2020 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of State Bank of India, ADB Kovvuru Branch, Nellore District in terminating the services of Shri Thupakula Ramakrishna, S/o T. Venkatasubbaiah w.e.f. 31.3.1997 without following due procedures and denying him of opportunity is justified? If not, what relief he is entitled to?”

The reference is numbered in this Tribunal as I.D. No 12/2020 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Record reveals that notice served on Petitioner but none present on behalf of Petitioner. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 25th day of November, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 फरवरी, 2025

का.आ. 264.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (21/2020) प्रकाशित करती है।

[सं. एल - 12025/01/2025- आई आर (बी-1)-15]

सलोनी, उप निदेशक

New Delhi, the 20th February, 2025

S.O. 264.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 21/2020) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India their workmen.

[No. L-12025/01/2025- IR(B-I)-15]

SALONI, Dy. Director

ANNEXURE
IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 25th day of November, 2024

INDUSTRIAL DISPUTE No. 21/2020

Between:

Shri. S.M. Muneer Ahmammed,
 S/o Basheer Ahmmed, D.No.68/1/54,
 Sangadigunta, 1st Cross Line,
 Lancherter Road, Guntur-522203.

.....Petitioner

AND

1. The Chairman, State Bank of India,
 Central Office, Corporate Centre,
 Madame Came Road, Mumbai-400021.
2. The Chief General Manager,
 State Bank of India, Local head Office,
 Amaravathi Circle, Gunfoundry, Abids
 Hyderabad-500001.

... Respondents

Appearances:

For the Petitioner : Macharla Rangaiah, Advocate

For the Respondent: Y. Ranjeeth Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.7(14)/2020-B1 dated 10.07.2020 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of State Bank of India, Sangadigunta, Guntur District in terminating the services of Shri S.M.Muneer Ahmammed, S/o Basheer Ahmmed w.e.f. 31.3.1997 without following due procedures and denying him of opportunity is justified? If not, what relief he is entitled to?”

The reference is numbered in this Tribunal as I.D. No 21/2020 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Docket reveals that despite of providing sufficient opportunity petitioner did not filed any claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 25th day of November, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
 Petitioner
 NIL

Witnesses examined for the
 Respondent
 NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 फरवरी, 2025

का.आ. 265.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (24/2020) प्रकाशित करती है।

[सं. एल - 12025/01/2025- आई आर (बी-1)-17]

सलोनी, उप निदेशक

New Delhi, the 20th February, 2025

S.O. 265.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 24/2020) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India their workmen.

[No. L-12025/01/2025- IR(B-I)-17]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 25th day of November, 2024

INDUSTRIAL DISPUTE No. 24/2020

Between:

Shri. Swarna Ramakrishnaiah,

S/o Yadaiah,

Shanti Nagar, Podalakur,

Nellore-524345.

.....

Petitioner

AND

1. The Chairman, State Bank of India,
Central Office, Corporate Centre,
Madame Cama Road, Mumbai-400021.
2. The Chief General Manager,
State Bank of India, Local head Office,
Amaravathi Circle, Gunfoundry, Abids
Hyderabad-500001.

...

Respondents

Appearances:

For the Petitioner : None

For the Respondent: Y. Ranjeeth Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.7(11)/2020-B1 dated 10.07.2020 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of State Bank of India, Podalakur Branch, Nellore District in terminating the services of Shri Swarna Ramakrishnaiah, S/o Yadaiah w.e.f. 31.3.1997 without following due procedures and denying him of opportunity is justified? If not, what relief he is entitled to?”

The reference is numbered in this Tribunal as I.D. No 24/2020 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Docket reveals that despite of providing sufficient opportunity petitioner did not filed any claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 25th day of November, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 फरवरी, 2025

का.आ. 266.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **भारतीय स्टेट बैंक** के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **हैदराबाद** के पंचाट (29/2020) प्रकाशित करती है।

[सं. एल - 12025/01/2025- आई आर (बी-I)-19]

सलोनी, उप निदेशक

New Delhi, the 20th February, 2025

S.O. 266.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 29/2020) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of **State Bank of India** their workmen.

[No. L-12025/01/2025- IR(B-I)-19]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 25th day of November, 2024

INDUSTRIAL DISPUTE No. 29/2020

Between:

Shri. Shaik Sadik Basha,
S/o Shaik Mahboob Basha,
Pragathinagar colony, Rebala,
Buchreddy, Nellore-524305.

.....

Petitioner

AND

1. The Chairman, State Bank of India,
Central Office, Corporate Centre,
Madame Cama Road, Mumbai-400021.
2. The Chief General Manager,
State Bank of India, Local head Office,
Amaravathi Circle, Gunfoundry, Abids
Hyderabad-500001.

...

Respondents

Appearances:

For the Petitioner : Macharla Rangaiah, Advocate

For the Respondent: Y. Ranjeeth Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.7(20)/2020-B1 dated 08.10.2020 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of State Bank of India in terminating the services of Shri Shaik Sadik Basha, S/o Shaik Mahboob Basha w.e.f. 31.3.1997 without following any procedure and denying him of opportunity is justified? If not, what relief he is entitled to?”

The reference is numbered in this Tribunal as I.D. No 29/2020 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Docket reveals that despite of providing sufficient opportunity petitioner did not filed any claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 25th day of November, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 फरवरी, 2025

का.आ. 267.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (20/2024) प्रकाशित करती है।

[सं. एल - 12025/01/2025-आई आर (बी-1)-20]

सलोनी, उप निदेशक

New Delhi, the 20th February, 2025

S.O. 267.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 20/2024) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Central Bank of India their workmen.

[No. L-12025/01/2025- IR(B-I)-20]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 1st day of November, 2024**INDUSTRIAL DISPUTE No. 20/2024**

Between:

The General Secretary,
Central Bank of India Employees Association,
Central Bank Buildings,
Bank Street Koti Hyderabad
Telangana-500095.

.....

Petitioner

AND

The Regional Head,
Central Bank of India,
47-10-14, Saripalli Elite,
3rd Floor, Near Diamond
park, Opp. Pollocks School,
Dwarkanagar 2nd Lane,
Visakhapatnam-530016.

...

Respondents

Appearances:

For the Petitioner : None

For the Respondent: V. Durga, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.7/1/2024-B1 dated 04.04.2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Central Bank of India, and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of Central Bank of India in issuing charge-sheet dated 31.10.2023 to Smt K.Anithasri, SWO, Gandhigram Branch, Visakhapatnam as per Clause 5(p) of the Memorandum of Settlement dated 10.04.2002 is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No 20/2024 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Record reveals that notice served on Petitioner but none present on behalf of Petitioner. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is 'No Claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 1st day of November, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 फरवरी, 2025

का.आ. 268.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स प्रीमियर सिक्यूरिटी एंड मेंटेनेंस सर्विस के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (93/2013) प्रकाशित करती है।

[सं. एल - 12011/76/2013- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 20th February, 2025

S.O. 268.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 93/2013) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of M/s Premier Security & Maintenance Service their workmen.

[No. L-12011/76/2013- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 15th day of October, 2024

INDUSTRIAL DISPUTE No. 93/2013

Between:

The General Secretary,

A.P. Private Bank Contract&

Outsourcing Workers Union,

Patha Kannapuvaripalem,

Opp: Sri Krishnadevaraya,
Kalyanamandapam, Gajuwaka,
Visakhapatnam (A.P)

.....Petitioner

AND

The Managing Director,
M/s Premier Security & Maintenance Services,
201, Ganga Complex, Kharkhana,
Secunderabad-500015.

...

Respondents

Appearances:

For the Petitioner : A.S. Rama Sarma, Advocate

For the Respondent: E.V.Narasimha Rao, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-12011/76/2013 (IR(B-I) dated 30.08.2013 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Premier Security & Maintenance Services and their workmen. The reference is,

SCHEDULE

“Whether the allegation of the A.P. Private Bank Contract & Outsourcing Workers Union, Visakhapatnam regarding terminating the services of their office bearers for involving in trade union activities S/Sh. 1) P. Nageswara Rao, Security Guard and General Secretary, 2) G. Satyanarayana, Security Guard and treasurer, 3) A. Ganesh, Security Guard and executive committee Member and 4) K.S.K. Rama Raju, Gunman and Executive Committee Member by the management of Premier Security & Maintenance Services, Secunderabad engaged in security Services & Maintenance Service, Secunderabad engaged in Security Service on contract basis in Axis Bank Branches in Visakhapatnam area is legal and /or justified? To what relief the workmen/union is entitled?”

The reference is numbered in this Tribunal as I.D. No 93/2013 and notices were issued to the parties concerned.

2. Petitioner has filed the claim statement for reinstatement into the service by setting aside termination order passed by Respondent. Although the chief affidavit statement has been filed by workmen P. Nageswar Rao in support his claim statement but no documentary evidence has been filed substantiate the claim. Therefore, ‘No-Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 15th day of October, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 फरवरी, 2025

का.आ. 269.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स पटेल इंजीनियरिंग वर्क्स (विजाग) के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (43/2016) प्रकाशित करती है।

[सं. एल - 14012/24/2016- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 20th February, 2025

S.O. 269.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 43/2016) of the *Cent.Govt.Indus.Tribunal- cum- Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of M/s Patel Engineering Works (Vizag) their workmen.

[No. L-14012/24/2016- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 15th day of October, 2024

INDUSTRIAL DISPUTE No. 43/2016

Between:

Allu Chitti Babu

S/o Kannayya,

D.No. 36-29, Dayananada Nager,

Kancharapalem,

Vishakapatnam-530008.

Petitioner

AND

1. M/s Patel Engineering Works (Vizag),
1st Floor, Flat No-5, City Plaza,
Dabagardens, Vishakapatnam-530020.
2. M/s Patel Engineering Works (Vizag),
207, Old Bake House, Nagindas Master Road,
Extension Fort, Mumbai-400001.

Respondents

Appearances:

For the Petitioner : Smt. Challa Mahalaksmi, Party in person

For the Respondent: D.N. Murthy, Advocate R1 & R2

AWARD

The Government of India, Ministry of Labour by its order No.14012/24/2016 (IR(DU)) dated 24.10.2016 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Patel Engineering Works and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of M/s Patel Engineering Works (Vizag) a Contractor engaged in naval dockyard, Visakhapatnam, in Termination the services of Shri Allu Chitti Babu Ex- Rigger, workman w.e.f. 28.10.2015 without complying section 25(f) of I.D. Act is legal and justified? If not, to what relief the concerned workman is entitled?”

The reference is numbered in this Tribunal as I.D. No 43/2016 and notices were issued to the parties concerned.

2. After filing claim statement Petitioner remained absent. Despite sufficient opportunity accorded to him, the Petitioner did not adduce any evidence to substantiate his claim. Perused the record. Since the Petitioner has not substantiated his claim by any evidence, therefore, a ‘No-claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 15th day of October, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 फरवरी, 2025

का.आ. 270.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स पटेल इंजीनियरिंग वर्क्स (विजाग) के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (2/2017) प्रकाशित करती है।

[सं. एल - 14012/23/2016- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 20th February, 2025

S.O. 270.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 2/2017) of the *Cent.Govt.Indus.Tribunal- cum- Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of M/s Patel Engineering Works (Vizag) their workmen.

[No. L-14012/23/2016- IR(B-I)]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 15th day of October, 2024

INDUSTRIAL DISPUTE No. 2/2017

Between:

Yellanki Narasinga Rao,

S/o Appala Swamy,

D.No. 59-12-39,

Settibalija Veedhi,

Malkapuram, Visakapatnam-530011.

.....

.Petitioner

AND

1. M/s Patel Engineering Works (Vizag),

1st Floor, Flat No-5, City Plaza,

Dabagardens, Vishakapatnam-530020.

2. M/s Patel Engineering Works (Vizag),
207, Old Bake House, Nagindas Master Road,
Extension Fort, Mumbai-400001.

...

Respondents

Appearances:

For the Petitioner : Party in person

For the Respondent: D.N. Murthy, Advocate R1 & R2

AWARD

The Government of India, Ministry of Labour by its order No.14012/23/2016 (IR(DU)) dated 19.12.2016 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Patel Engineering Works and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of M/s Patel Engineering Works (Vizag) a Contractor engaged in naval dockyard, Visakhapatnam, in Termination the services of Shri Yellanki Narasinga Rao Ex- Fitter, w.e.f. 28.10.2015 without complying section 25(F) of I.D. Act is legal and justified? If not, to what relief the concerned workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No 2/2017 and notices were issued to the parties concerned.

2. After filing claim statement Petitioner remained absent. Despite sufficient opportunity accorded to him, the Petitioner did not adduce any evidence to substantiate his claim. Perused the record. Since the Petitioner has not substantiated his claim by any evidence, therefore, a ‘No-claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 15th day of October, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Petitioner

NIL

Witnesses examined for the

Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 फरवरी, 2025

का.आ. 271.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एडमिरल अधीक्षक नौसेना डॉकयार्ड विशाखापत्तनम के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (74/2004) प्रकाशित करती है।

[सं. एल - 14012/85/2002- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 20th February, 2025

S.O. 271—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 74/2004) of the *Cent.Govt.Indus.Tribunal- cum- Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of The Admiral Superintendent Naval Dockyard Visakhapatnam their workmen.

[No. L-14012/85/2002- IR(B-I)]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: **Sri IRFAN QAMAR**
Presiding Officer

Dated the 15th day of January, 2025

INDUSTRIAL DISPUTE No. 74/2004

[Old I.T.I.D. (C).No.9/2003

transferred from Industrial Tribunal cum Labour Court, Visakhapatnam]

Between:

Sri P.S. Achari,

Representative of Naval Dockyard

Deceased Employees/Dependents

D.No.11-2-6, Kailashnaar, Kanithi Road,

Gajuwaka, Visakhapatnam – 530 026.

..... Petitioner

AND

The Admiral Superintendent,

Naval Dockyard,

Visakhapatnam – 530014.

.... Respondent

Appearances:

For the Petitioner : Sri C. Koteswara Rao, Advocate

For the Respondent: Sri D. Ramesh, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-14012/85/2002-IR(DU) dated 7/11.2.2003 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Naval Dock Yard and their workmen, to Industrial Tribunal cum Labour Court, Visakhapatnam which was transmitted to this Tribunal in view of order dated 19.1.2004 passed by Government of India, Ministry of Labour, New Delhi. The reference is,

SCHEDULE

“Whether the demand for regularization of services in respect of S/Sh. V. Satyanarayana Ramesh and 192 others nerrick rated labour (as per the list enclosed) as raised by a group of workmen for regularization of services from their date of joining is legal and/ or justified? 1. Whether the action of the Management of Naval Dockyard, Visakhapatnam in not recruiting the above 193 workmen on compassionate grounds from their date of joining as Casual Labour is legal and/or justified? If not, to what relief the concerned group of workmen are entitled?”

The reference is numbered in this Tribunal as I.D. No. 74/2004 and notices were issued to the parties concerned.

2. **The averments made in the claim statement are as follows:**

It is submitted that representative of the Naval Dockyard Sri P.S. Achari formed Vikashini Deceased Employees/ Dependents Naval Dockyard Deceased Employees Family Members Welfare Association registered as No. 2369/2000 and Shri D Rambabu is the President. It is submitted that the workmen were provided employment assistance by the Management to work with the, organization in various capacities basing on their qualifications as well as their allotment due to consideration of deformity of their deceased parents in lieu of compassionate recruitment. Their services were utilised continuously as per their recruitment payments were made even though they are appointed in lieu of compassionate humanitarian grounds, but named as Nerrick rated Labourers by paying Daily rate of wage at Rs.63.90 ps paying in monthly basis. They used to issue temporary passes to enter into the restricted areas to work in their entrusted services. The nature of appointment on such procedure continued in average of 16 days in a month with a break of 2 months in a year from the date of their inception as on the date and further the said

uninterrupted services as per their provisions were not denied factor even before the ALC(C), Visakhapatnam during the conciliation proceedings. The work of the employees are very much needed in day to day administration, but they used to show breaks in service and such breaks are not at all tenable for the purpose of continuous service as per the Sections of I.D. Act and further not even to the employees other than compassionate appointment also. While during the proceedings, conciliation in respect of regularisation of services of the listed 193 workers were negatived. Even though they are in work duty not less than 8 years of service as per the enclosed list submitted by the Government with the reference folder and further the disputed conciliation proceedings on the aspect of regularisation of service were signed by the representative of workers on behalf of the workers and also signed by the representative of the Management before the Conciliation officer, Visakhapatnam. The copy of the Minutes as signed on 18.3.2002. It is further submitted that while accepting employment of the deceased dependents, the organisation verified the necessary certificates and other family back ground and other credentials which are suitable to safe guard the deceased family on humanitarian consideration. Therefore, prayed to for regularization of 193 workers.

3. **Respondent filed counter denying the averments of the Petitioner as under:**

It is submitted that the application for regularization of the workman/petitioner in Naval Dockyard, is not permissible under the rules in force. It is submitted that all the 193 applicants are employed on daily wage basis in the Dockyard to meet the urgent requirement as and when required basis for odd jobs. All the 193 daily Labourers are of the next of kins of deceased employees, of Naval Dockyard and are awaiting for appointment under employment assistance scheme. The compassionate appointment under employment assistance scheme is subject to the fulfillment of the rules/conditions laid down by Government from time to time and subject to availability of vacancies earmarked for employment assistance cases, which is 5% for Group C&D categories of posts. While the cases for providing employment assistance scheme or otherwise are under consideration by the Competent Authority, the NOKs of the deceased employees are being provided with daily wage employment on and as required basis to provide them some financial assistance purely on humanitarian grounds. They are not eligible to regularization till their cases are considered by the Competent Authority under employment assistance scheme. Regularisation of all the applicants for non-existence posts would lead to severe financial burden on the management organization. The number of vacancies available for employment assistance is meager whereas the number of aspirants for compassionate appointment under employment assistance scheme are more. It is submitted that 50 in no. cases out of 193 under employment assistance scheme have been rejected and the same were communicated to the individuals. Therefore prayed to dismiss the application in the interest of justice.

4. In the present matter wherein workmen have not yet adduced the evidence despite sufficient opportunity by the court. However, Respondent has examined MW1 and also filed documents in evidence Ex.M1 to M 42. Both parties have filed written arguments.

5. **On the basis of submissions of both the parties following points emerge for determination in the instant matter:-**

- I. Whether demand for regularisation of services in respect of Sri S/Sh. V. Satyanarayana Ramesh and 192 others nerrick rated labour (as per list enclosed to the reference) has raised by group of workmen for regularization of services from their date of joining is legal and justified?
- II. Whether the action of management of Naval Dock Yard, Visakhapatnam in not recruiting 193 workmen on compassionate grounds from their date of joining as a casual labour is legal and justified?
- III. If not to what relief the concerned group of workmen are entitled for?

Findings:-

6. **Point No.I:** In the instant matter workmen claimed that they were provided employment by the respondent management to work with the organization in various capacities basing on their qualification as well as their allotment due to consideration of deformity of their deceased parents in lieu of compassionate recruitment. Further, it is submitted that on behalf of the workmen their services were utilised continuously as per the recruitment and payments were made even though they were appointed in lieu of compassionate humanitarian grounds by paying the daily rate of wage at Rs.63.90 ps per day which was paid on monthly basis. Further, it is submitted that the nature of appointment of said procedure continued in average of 16 days in a month with a break of 2 months in a year from the date of their inception as on the date. Further the said uninterrupted services as per their provisions were not denied factor even before the conciliation officer during the conciliation proceedings. The work of the workmen was very much needed in a day to day administration but they used to show break in their service and such breaks are not at all tenable for the purpose of continuous service as per the sections of the I.D. Act, 1947. Further, it is submitted that during the conciliation proceeding the conciliation in respect of regularization of the services of the 193 workers was negatived even though they are in the work duty not less than 8 years of service as per the enclosed list submitted by the Government of India with the reference folder. In support of the claim the workers have filed the copy of the conciliation proceeding held on 5th September 2002 between the workers herein and

respondent management for claim of the workers for regularization of their services but the conciliation ended in failure.

7. Per contra, Counsel for Respondent has submitted that the claim of workmen for regularization of their services in Naval Dockyard is not permissible under the rules in force. Further, it is contended that all the 193 workmen were employed for work on daily wage basis in the Dock Yard as and when required and all these workmen are of the next of kins of deceased employees of Naval Dockyard and are awaiting for appointment under employment assistance scheme. Further, it is submitted that while the cases for providing employment assistance scheme are otherwise under consideration by the competent authority, the next of kins of the deceased employees are being provided with daily wage employment on as required basis to provide them some financial assistance purely on humanitarian grounds. Further, it is contended that these workmen are not eligible to get regularization of their services till their cases are considered by the competent authority under Employment Assistance Scheme. Further, it is submitted that regularization of all the applicants for non-existence posts would lead to severe financial burden on the management organization.

8. In view of submission made by Learned Counsels for both the parties following facts are admitted in the present matter:-

That the workmen herein in the instant petition are next of kin of deceased employees of the Respondent and have been provided employment by the respondent management as daily wage workers from the date as mentioned in the enclosed list of workmen with the reference order. Thus, the workmen herein have been engaged to do the work by the respondent management as a daily wage worker for period not less than 8 years of service as on date of filing petition. As per contention of Respondent all the workers in the instant petition are the next of kins of deceased employees of Naval Dockyard and they are awaiting for appointment under the employment assistance scheme. Respondent contended that the compassionate appointment under Employment Assistance Scheme is subject to fulfillment of the rules conditions laid down by the Government from time to time and subject to availability of vacancies earmarked for employment assistance cases which is 5% for group C&D categories of posts.

Respondent has filed statement in chief affidavit of MW1 who has deposed as under:-

“ It is submitted that the application for regularization of the Workman/Petitioner in the Naval Dockyard, is not permissible under the rules in force. It is submitted that all the 193 applicants were engaged on daily wage basis in the Dockyard to meet the manual requirement of odd jobs. All the 193 applicants are daily wage labourers and are the next of kin of deceased employees of Naval dockyard and applied for appointment under compassionate ground. The compassionate appointment is purely at the discretion of the employer subject to the fulfillment of the rules and subject to the sanction of the competent authorities. It is further submitted that even such appointment is subject to the availability of vacancies. Such an appointment on compassionate grounds is under employment assistance scheme. Prior to the year 1998, list of candidates (NOK of the deceased employees) was maintained and the number of vacancies that arose under the 5% quota were filled up according to the seniority of the candidates (Date of death of the employee). During the year 1998, the Govt. of India vide Department of Personnel & Training [DOP&T] letter 14014/6/94-Estt(i) dated 09 Oct 98 issued guidelines on the scheme according to which, applications for compassionate appointments under EA Scheme were to be considered by the Board of Officers appointed for the purpose. Accordingly, the Board of Officers considered the cases of the applicants alongwith other cases, made balanced and objective assessment as per the existing Govt. orders assigning points on various parameters like the amount received by the family as pensionary benefits, the number of dependents etc., on 100 points scale as per DOP&T Office Memorandum No. 19(4)/824-99/1998-D(Lab) dated 09.03.2001. The report of the Board of Officers will be sent to the Naval Headquarters, New Delhi and the competent authority after considering report of the Board of Officers evaluate the eligibility of the candidates for employment assistance vice versa the no. of vacancies available. The competent authority will approve names of the desirable candidates for appointment and pass speaking orders duly rejecting the application of these applicants who are not in merit. The Board of Officers will rely upon the directives of the Ministry of Defence (Navy) for evaluating the eligibility of the candidates applied for employment assistance. The eligibility criteria include the economic background of family or next of kin of the deceased employee. The amount of family pension & terminal benefits paid, no. of family members, property of family etc., after considering the said aspects points will be given against each individual and those who score highest point will be consider for appointment taking into consideration the number of vacancies available. It is submitted that as per the Hon'ble Supreme Court directive the compassionate appointment is not a matter of right but as a welfare measure to provide immediate successor to the dependents of an employee who are left in immediate indigent circumstances by the untimely demise of wage earner to tide over the difficulties in accordance with rules subject to availability of vacancies.”

9. Now, let us examine the claim of the workmen for regularization of their services on the basis of not less than 8 years of their service as claimed in the petition. The workmen herein claim that each Workman has completed not less than 8 years of service in the employment of the respondent and on the basis of their tenure put in the employment of Respondent they are entitled for regularization in the service. Now, let us discuss the legal principle laid down by the Hon'ble Supreme Court in this context and further to see whether the claim of workmen for

regularisation on the basis of tenure of working days is sustainable or maintainable in the respondent management as per the principle laid down by the Hon'ble Apex Court.

10. In this context first the reference of recent decision of Hon'ble Supreme Court **in the case of Oil And Natural Gas Corporation versus Krishnagopal 2020 (3) scale 272** is relevant wherein Supreme Court while discussing the question of regularization of the Workman on the public posts have held,

““ *The decision in Umadevi was held to limit the scope of the powers under Articles 32 and 226 to issue directions for regularisation in a matter of public employment. However the power to take affirmative action under section 30(1)(b) was held to be intact even after the judgment of the Constitution Bench.*”

“35. *Umadevi (3) [(2006) 4 SCC 1 : 2006 SCC (L&S) 753] is an authoritative pronouncement for the proposition that the Supreme Court (Article 32) and the High Courts (Article 226) should not issue directions of absorption, regularisation or permanent continuance of temporary, contractual, casual, daily wage or ad hoc employees unless the recruitment itself was made regularly in terms of the constitutional scheme.*

Thus, Hon'ble Supreme Court have held that direction for absorption, regularization or permanent continuance of temporary, contractual, casual, daily wage or adhoc employees should not be issued unless the recruitment itself was made regularly in terms of the constitutional scheme.

11. Undisputedly, in the instant matter the workmen who are NOK of deceased employees have been engaged by Respondent as NRL on daily wage basis and they are not employed through any recruitment process, which has been made regularly in terms of the constitutional scheme. Workmen here has not produced any appointment letter or salary slips and attendance register to fortify their claim that they were appointed by the Respondent in the employment.

Further Hon'ble Supreme Court in the case of ONGC Vs Krishna Gopal have held,

“ 21. *The divergence between the decisions in Bijli Mazdoor Sangh and Maharashtra SRTC was sought to be reconciled in a two judge Bench decision of this Court in [Hari Nandan Prasad v Employer I/R to Management of Food Corporation of India](#)20 (“FCI”). Justice A K Sikri, speaking for the two judge Bench held:*

“39. *On a harmonious reading of the two judgments discussed in detail above, we are of the opinion that when there are posts available, in the absence of any unfair labour practice the Labour Court would not give direction for regularisation only because a worker has continued as daily- wage worker/ad hoc/temporary worker for number of years. Further, if there are no posts available, such a direction for regularisation would be impermissible. In the aforesaid circumstances giving of direction to regularise such a person, only on the basis of number of years put in by such a worker as daily-wager, etc. may amount to back door entry into the service which is an anathema to [Article 14](#) of the Constitution. Further, such a direction would not be given when the worker (2005) 6 SCC 751 (2014) 7 SCC 190 concerned does not meet the eligibility requirement of the post in question as per the recruitment rules. However, wherever it is found that similarly situated workmen are regularised by the employer itself under some scheme or otherwise and the workmen in question who have approached the Industrial/Labour Court are on a par with them, direction of regularisation in such cases may be legally justified, otherwise, non-regularisation of the left-over workers itself would amount to invidious discrimination qua them in such cases and would be violative of [Article 14](#) of the Constitution. Thus, the industrial adjudicator would be achieving the equality by upholding [Article 14](#), rather than violating this constitutional provision.*”

Further Hon'ble Supreme Court have held,

“23 *The following propositions would emerge upon analyzing the above decisions:*

(i) *Wide as they are, the powers of the Labour Court and the Industrial Court cannot extend to a direction to order regularisation, where such a direction would in the context of public employment offend the provisions contained in [Article 14](#) of the Constitution;*

(ii) *The statutory power of the Labour Court or Industrial Court to grant relief to workmen including the status of permanency continues to exist in circumstances where the employer has indulged in an unfair labour practice by not filling up permanent posts even though such posts are available and by continuing to employ workmen as temporary or daily wage employees despite their performing the same work as regular workmen on lower wages;*

(iii) *The power to create permanent or sanctioned posts lies outside the judicial domain and where no posts are available, a direction to grant regularisation would be impermissible merely on the basis of the number of years of service;*

(iv) *Where an employer has regularised similarly situated workmen either in a scheme or otherwise, it would be open to workmen who have been deprived of the same benefit at par with the workmen who have been regularised to make a complaint before the Labour or Industrial Court, since the deprivation of the benefit would amount to a violation of Article 14; and*

(v) *In order to constitute an unfair labour practice under Section 2(ra) read with Item 10 of the Vth Schedule of the ID Act, the employer should be engaging workmen as badlis, temporaries or casuals, and continuing them for years, with the object of depriving them of the benefits payable to permanent workmen.*

Admittedly, the Workmen herein are claiming the regularization of their services in public posts in the Respondent Management on the basis of their period of work of not less than eight years of each employee in the employment by Respondent. However, there is no plea and evidence by the workmen herein that the posts are available in the Respondent Management and they are eligible otherwise for regularization. Moreover, there is no plea and proof on behalf of workmen that Respondent is adopting tactics of unfair labor practice in their case. Hence, for the want of aforesaid plea and proof the claim of the Petitioner workmen is not maintainable.

12. Thus, in view of the law laid down by the Hon'ble Supreme Court in the case of ONGC as cited supra, workmen herein are not entitled for regularization in the services of Respondent on the basis of 8 years or more duration of service as daily wagers in the Respondent employment. The Petitioner Workmen failed to adduce any oral or documentary evidence in support of their claim for regularization in the employment of Respondent. Thus, for the want of such evidence the claim of the workmen for regularization is not find substantiated by workmen and hence, not maintainable. However, the workmen in their claim statement have not averred that the Respondent management has indulged in any unfair labour practice by not filling up permanent posts even though such posts are available and by continuing the Workmen as temporary or daily wage workers inspite of their performing the same work as regular workmen on the same on lower wages. The burden of proof lies on the workmen to plead and to adduce the evidence of unfair labour practices adopted by the employer by not filling up the permanent posts, inspite of availability of the posts and continuing the workmen on temporary or daily wage employees. Therefore, in the absence of such plea and evidence the claim of the workmen for regularization is not maintainable. There is no plea in the claim statement that posts are available in the Respondent management, but the Respondent has continued to employ the workmen as a temporary or daily wage employees. Further, it is not the case of the workmen that the Respondent management has regularised similarly situated workmen either in a scheme or otherwise in preference to the workmen herein failed to prove the fact of availability of the posts or vacancy and the similarly situated workmen have been regularized to that posts. It is settled law that in the absence of pleading and proofs, the claim of workmen cannot be accepted.

13. Therefore, in view of fore gone discussion and law laid down by the Hon'ble Apex Court as discussed above in the instant matter, the claim of the workmen herein for regularization in the service of the Respondent management is not acceptable.

This point is answered against the Petitioners and in favour of the Respondent.

14. Point No.II:- This point pertains to the question whether the action of management of Naval Dockyard in not recruiting the above 193 Workmen on compassionate grounds from their date of joining as a casual labours is legal and justified. In this context, perused the record. It is admitted fact that all the 193 workmen are Next of Kins of deceased employees of Respondent and has been engaged as nerrick rated labourers of Naval Dockyard on daily basis to meet the urgent requirement as and when required.

15. On the other hand, it is contended by the Respondent that the appointment on compassionate basis is purely at the discretion of the employer subject to fulfillment of rules and sanction of competent authorities and also subject to availability of vacancies. Further, it is contended that prior to the year 1998, list of candidates (NOK of the deceased employees) was maintained and the number of vacancies that arose under the 5% quota were filled up according to the seniority of the candidates (date of death of the employee). During the year 1998 the Government of India vide Department of Personnel and Training letter dated 9th October 1998 issued guidelines on the scheme according to which applications for compassionate appointments under EA scheme were to be considered by the Board of Officers appointed for the purpose. Accordingly Board of Officers considered the cases of the applicants along with other cases made balanced and objective assessment as per the existing Government orders assigning points on various parameters like the amount received by the family as pensionary benefits, the number of dependents etc., on 100 point scale as per DOP&T Office Memorandum dated 9th March 2001. The report of the Board of Officers will be sent to the Naval Headquarters, New Delhi and the competent authority after considering report of the Board of Officers evaluate the eligibility of the candidates for employment assistance vice versa the number of vacancies available. Further it is contended that the competent authority will approve names of the desirable candidates for appointment and pass speaking orders duly rejecting the application of these applicants who are not in merit. Further it is contended that the cases of applicants herein got fewer points when compared to the cases recommended for Employment Assistance, the Board of Officers had not recommended the cases of the applicants in view of reason that there were more deserving cases and only limited number of vacancies are available. After circumspection and consideration of the circumstances of the case as per the guidelines of DOP & T and various judgements of Hon'ble Courts and after balanced and objective assessment of the totality of the circumstances of the cases, the competent authority has rejected the proposal for providing the compassionate appointment to all the applicants and intimated them through speaking orders vide letters dated 26th March, 24th April, 2nd May, 3rd June, 24th July and 19th November of 2003. Further, it is submitted that as per the Hon'ble Supreme Court directive the

compassionate appointment is not a matter of right but as a welfare measure to provide immediate successor to the dependents of an employee who are left in immediate indigent circumstances by the untimely demise of wage earner to tide over the difficulties in accordance with rules subject to availability of the vacancies. Further, it is submitted that the applicants have been issued with speaking orders based on the recommendations of BOO Naval Headquarters, New Delhi that their cases cannot be considered for Employment Assistance. The orders were communicated to applicants individually by registered post. However, they were engaged on daily basis purely on as and when required basis only on availability of work requirement, funds and on humanitarian grounds. In support of this contention Respondent has filed the documents Ex.M1 to M42.

16. Thus, it manifest from the documents Ex.M1 to M42 filed by the Respondent pertaining to copies of the orders through which the applicants' claim for the compassionate appointment has been rejected and same has been duly intimated to the Workmen. However, workmen herein have not challenged the legality and validity of these orders in the instant matter whereby the application of these workmen for compassionate appointment have been rejected by Respondent management. Therefore, for the want of plea and proof of said rejection order, the claim of the workmen for compassionate posts is not maintainable.

17. In the instant matter, the burden of proof lies upon the workmen to prove the fact that the posts are lying vacant under the quota of appointment on compassionate grounds in the Respondent employment and Respondent is keeping the posts vacant and continuing the workmen on a daily wage employment. But the workmen herein utterly failed to discharge their burden in this regard, hence, the claim for compassionate appointment is not tenable.

18. The Hon'ble Supreme Court in the case of **State of West Bengal vs. Debabrata Tiwari & others, civil appeal No.8842-8855 of 2022 date of decision 3rd March 2023** while dealing with the question of appointment on Compassionate grounds to the public posts has laid down the principles quoted as under:-

" 7.1. It may be apposite to refer to the following decisions of this Court, on the rationale behind a policy or scheme for compassionate appointment and the considerations that ought to guide determination of claims for compassionate appointment.

i. In [*Sushma Gosain vs. Union of India*](#), (1989) 4 SCC 468, this Court observed that in all claims for appointment on compassionate grounds, there should not be any delay in appointment. That the purpose of providing appointment on compassionate grounds is to mitigate the hardship caused due to the death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress.

ii. In [*Umesh Kumar Nagpal vs. State of Haryana*](#), (1994) 4 SCC 138, this Court observed that the object of granting compassionate employment is to enable the family of a deceased government employee to tide over the sudden crisis by providing gainful employment to one of the dependants of the deceased who is eligible for such employment. That mere death of an employee in harness does not entitle his family to such source of livelihood; the Government or the public authority concerned has to examine the financial condition of the family of the deceased and it is only if it is satisfied that, but for the provision of employment, the family will not be able to meet the crisis, that a job is to be offered to the eligible member of the family, provided a scheme or rules provide for the same. This Court further clarified in the said case that compassionate appointment is not a vested right which can be exercised at any time after the death of a government servant. That the object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner, compassionate employment cannot be claimed and offered after lapse of considerable amount of time and after the crisis is overcome.

iii. In [*Haryana State Electricity Board vs. Hakim Singh*](#), (1997) 8 SCC 85, ("*Hakim Singh*") this Court placed much emphasis on the need for immediacy in the manner in which claims for compassionate appointment are made by the dependants and decided by the concerned authority. This Court cautioned that it should not be forgotten that the object of compassionate appointment is to give succour to the family to tide over the sudden financial crisis that has befallen the dependants on account of the untimely demise of its sole earning member. Therefore, this Court held that it would not be justified in directing appointment for the claimants therein on compassionate grounds, fourteen years after the death of the government employee. That such a direction would amount to treating a claim for compassionate appointment as though it were a matter of inheritance based on a line of succession.

iv. This Court in [*State of Haryana vs. Ankur Gupta*](#), AIR 2003 SC 3797 held that in order for a claim for compassionate appointment to be considered reasonable and permissible, it must be shown that a sudden crisis occurred in the family of the deceased as a result of death of an employee who had served the State and died while in service. It was further observed that appointment on compassionate grounds cannot be claimed as a matter of right and cannot be made available to all types of posts irrespective of the nature of service rendered by the deceased employee.

Further, Hon'ble Supreme Court have held,

"vii. In Shashi Kumar, this Court speaking through Dr. D.Y. Chandrachud, J. (as His Lordship then was) observed that compassionate appointment is an exception to the general rule that appointment to any public post in the service of the State has to be made on the basis of principles which accord with [Articles 14](#) and [16](#) of the Constitution. That

the basis of the policy is that it recognizes that a family of a deceased employee may be placed in a position of financial hardship upon the untimely death of the employee while in service. That it is the immediacy of the need which furnishes the basis for the State to allow the benefit of compassionate appointment. The pertinent observations of this Court have been extracted as under:

“41. Insofar as the individual facts pertaining to the Respondent are concerned, it has emerged from the record that the Writ Petition before the High Court was instituted on 11 May 2015. The application for compassionate appointment was submitted on 8 May 2007. On 15 January 2008 the Additional Secretary had required that the amount realized by way of pension be included in the income statement of the family. The Respondent waited thereafter for a period in excess of seven years to move a petition Under [Article 226](#) of the Constitution. In [Umesh Kumar Nagpal](#) (supra), this Court has emphasized that the basis of a scheme of compassionate appointment lies in the need of providing immediate assistance to the family of the deceased employee. This sense of immediacy is evidently lost by the delay on the part of the dependant in seeking compassionate appointment.” 7.2. On consideration of the aforesaid decisions of this Court, the following principles emerge:”

Thus, in view of the law laid down by the Hon'ble Supreme Court as discussed above, the appointment on compassionate grounds is not a vested right that can be exercised at anytime in future, the compassionate employment can not be claimed over and after a lapse of time, and after the crisis is over. Further, it is held that compassionate appointment should be provided immediately to redeem family in distress. However, in the instant matter, the workmen have been provided the employment by Respondent as daily labour long back in the year 1992, 1993, 1995, 1996 respectively as their date of joining is mentioned in the annexed list to the reference order dated 7th February, 2003.

Hon'ble Supreme Court in the case of State of West Bengal Vs. Debabrata Tiwari & ors. have also held,

“vi. In [State of Jammu and Kashmir vs. Sajad Ahmed Mir](#), AIR 2006 SC 2743, the facts before this Court were that the government employee (father of the applicant therein) died in March, 1987. The application was made by the applicant after four and half years in September, 1991 which was rejected in March, 1996. The writ petition was filed in June, 1999 which was dismissed by the learned Single Judge in July, 2000. When the Division Bench decided the matter, more than fifteen years had passed from the date of death of the father of the applicant. This Court remarked that the said facts were relevant and material as they would demonstrate that the family survived in spite of death of the employee. Therefore, this Court held that granting compassionate appointment after a lapse of a considerable amount of time after the death of the government employee, would not be in furtherance of the object of a scheme for compassionate appointment.”

Therefore, in view of law laid down by the Hon'ble Supreme Court as discussed above, the claim of the workmen for compassionate appointment after a lapse of long period of more than twenty years is not maintainable because the distress period and crisis after the death of the employee has been overcome due to the elapse of the said long period. Moreover, the claim for appointment on the ground of compassionate appointment is not vested right of NOK which can be exercised any time in future.

19. However, it would be appropriate to mention here that in the instant matter, workmen were engaged by Respondent as NRL as kin of died employees in year 1992, 1993, 1995 and 1996 and reference was made in the year 2003 to Industrial Tribunal cum Labour Court, Visakhapatnam, which has been registered as ITID(C) No. 9/2003. Later on matter was transferred to the CGIT cum Labour Court, Hyderabad vide order dated 19.1.2004 of Government of India, Ministry of Labour, New Delhi in the year 2004 for hearing and numbered as ID No.74/2004. The hearing of the case has been concluded in the year 2024. The object of scheme of compassionate employment is not existing after lapse of long period of more than twenty years. Hence, on this ground also the claim of workmen for compassionate appointment is not maintainable.

20. Moreover, the workmen in their claim statement have not pleaded that their representation for compassionate appointment has been rejected by Respondent illegally. Further, it is evident from the record that the orders of rejection of representation of workmen for compassionate appointment i.e., Ex.M12 to M42 which have been passed in years 1992, 1993, 1995 by the Respondent have not been challenged by the workmen. Therefore, for the want of pleading and proof of such the claim of the workmen for appointment on the ground of compassionate appointment in the Respondent management is not tenable. The Workmen have also cited the decision of **Hon'ble High Court in the writ petition No.8968 of 2022 along with others, date of decision 17th February 2023**, wherein the facts of this case are different hence, not applicable to this case.

21. On the other hand, Respondent has examined MW1 in support of the contention made in the counter and the witness MW1 in his chief statement affidavit has deposed:-

“All the cases of 193 Petitioners had been forwarded to Concerned authorities at Headquarters, Eastern Naval Command, Visakhapatnam /Naval Headquarters/Min. of Defence (Navy) for consideration for compassionate appointment under employment assistance scheme. However, Employment Assistance can be provided only 5% of Group 'C' and 'D' posts, subject to availability of vacancies, and procedure as laid down by government vide

D.O.P.T. O.M. dated 9.10.1998. The Hon'ble Supreme Court held in their judgement dated 28-02-1995 in the case of the Life Insurance Corporation of India Vs Mrs. Asha Rama Chandra Ambedkar and others (JT 1994 (2) SC 183) that the High Court and Administrative Tribunals cannot give direction for appointment of a person on compassionate grounds but can merely direct consideration of the claim for such an appointment. The Hon'ble Supreme Court ruled in the case of Himachal Road Transport Corporation Vs. Dinesh Kumar (JT 1996 (5) SC 319) on 7th May 1996 and Hindustan Aeronautics Ltd., Vs. Smt A Radhika Thirumalamba (JT 1996 (9) SC 197) on 9th October, 1996 that appointment on compassionate grounds can be made only if a vacancy is available for that purpose. The Hon'ble Supreme Court has held in their judgement in the case of the State of Haryana and Others Vs. Rama Devi and others (JT 1996 (6) SC 646) on 15th July, 1996 that if the scheme regarding appointment on compassionate grounds is extended to all sorts of casual adhoc employees including those who are working as apprentices, then such scheme cannot be justified on constitutional grounds."

This witness has also exhibited documents Ex.M1 to M42. However, this witness was cross examined by the Counsel for workmen but, nothing has been elicited in the cross examination which amounts to discredit the testimony of the witness.

22. Therefore, in view of fore gone discussion and law laid down by the Hon'ble Apex Court, the claim of the workmen for compassionate appointment in the Respondent office is not maintainable.

Thus, Point No.II is decided against the workmen and in favour of Respondent.

AWARD

The reference in the instant matter is answered as follows:-

1. The demand for regularization of services in respect of S/Sh. V. Satyanarayana Ramesh and 192 others nerrick rated labour (as per the list enclosed) as raised by a group of workmen for regularization of services from their date of joining is held not legal and justified.
2. The action of the Management of Naval Dockyard, Visakhapatnam in not recruiting S/Sh. V. Satyanarayana Ramesh and 192 others nerrick rated labour on compassionate grounds from their date of joining as Casual Labour is held legal and justified.

Thus, the workmen S/Sh. V. Satyanarayana Ramesh and 192 others herein are not entitled to any relief as prayed for. Thus, claim of workmen herein is dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 15th day of January, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the	Witnesses examined for the
Petitioner	Respondent
NIL	MW1: Sri D. Siva Kumar

Documents marked for the Respondent

Ex.M1:	Photostat copy of DOP&T OM No. 51016/2/90-Estt (C) regarding grant of temporary status and regularisation of casual workers formulation of a scheme in pursuance of the CAT, Principal Bench, New Delhi Judgement dated 16-02-1990 in the case of Shri Raj Kamal & Others Vs UOI dt.10.9.93
Ex.M2:	Photostat copy of DOP&T Memorandum No 14014/6/94-Estt(D) regarding scheme for compassionate appointment under the Central Government dt.9.10.98
Ex.M3:	Photostat copy of DOP&T OM No. 14014/23/99-Estt(D) regarding Time-limit for making Compassionate appointment dt.3.12.99
Ex.M4:	Photostat copy of HQENC letter CE/2003/4/U/GEN/CIRCULAR regarding Employment Labourers on Daily Wages dt.20.7.09
Ex.M5:	Photostat copy of DOP&T OM No 19(4)/824-99/1998-D(Lab) regarding scheme for compassionate appointment -relative merit points and revised procedure for selection dt.9.3.01
Ex.M6:	Photostat copy of HQENC letter CE/2000/5/EA/vol IV regarding constitution of committee of officers for consideration of employment assistance cases for appointment in Gr "C & "D" dt.

22.10.01

- Ex.M7: Photostat copy of HQENC letter CE/2300/EA regarding compassionate appointment under employment assistance scheme to the dependent of deceased employee ND(V) dt.26.3.03.
- Ex.M8: Photostat copy of HQENC letter CE/2300/EA regarding compassionate appointment under employment assistance scheme to the dependent of deceased employee ND(V) dt. 24.4.03
- Ex.M9: Photostat copy of HQENC letter CE/2300/EA regarding compassionate appointment under employment assistance scheme to the dependent of deceased employee ND(V) dt. 2.5.03
- Ex.M10: Photostat copy of HQENC letter CE/2300/EA regarding compassionate appointment under employment assistance scheme to the dependent of deceased employee ND(V) dt.3.6.03
- Ex.M11: Photostat copy of HQENC letter CE/2300/EA regarding compassionate appointment under employment assistance scheme to the dependent of deceased employee ND(V) dt.24.7.03
- Ex.M12: Photostat copy of HQENC letter CE/2300/EA regarding Compassionate appointment under employment assistance scheme to the dependent of deceased employee ND(V) dt.19.11.03
- Ex.M13: Photostat copy of HQENC letter CE/2300/EAC-168/DR regarding issuance of speaking order to Shri D Ravi, W/o D Sankara Rao dt.7.2.03
- Ex.M14: Photostat copy of HQENC letter CE/2300/EAC-240/MSR regarding issuance of speaking order to Shri M Srinivasa Rao, W/o M Ramu dt.28.5.03
- Ex.M15: Photostat copy of HQENC letter CE/2300/EAC-140/GS regarding issuance of speaking order to Shri G Sanyasamma, W/o G Sanyasi Rao dt.28.5.03
- Ex.M16: Photostat copy of HQENC letter CE/2300/EA/D-130/NA regarding issuance of speaking order to Shri N Annapoorna, W/o N Rama Rao dt.13.5.03
- Ex.M17: Photostat copy of HQENC letter CE/2300/EA/D- 130/NA regarding issuance of speaking order to Shri N Annapoorna, W/o N Rama Rao dt.13.5.03
- Ex.M18: Photostat copy of HQENC letter CE/2300/EAD- 141/KAR regarding issuance of speaking order to Shri Kappa Rao, W/o K Appa Rao dt.13.5.03
- Ex.M19: Photostat copy of HQENC letter CE/2300/EA/D-134/CHP regarding issuance of speaking order to Shri CH Pydithalli, W/o CH Dharma Raju dt.13.5.03
- Ex.M20: Photostat copy of HQENC letter CE/2300/EA/D-282/IM regarding issuance of speaking order to Shri Manikyam, W/o Imandi Albert dt. 31.8.03
- Ex.M21: Photostat copy of HQENC letter CE/2300/EA/C-176/TSK regarding issuance of speaking order to Shri T Suresh Kumar, W/o TV Ramana dt.20.3.03
- Ex.M22: Photostat copy of HQENC letter CE/2300/EA/D-285/NSR regarding issuance of speaking order to Shri N Srinivasa Rao, W/o N Appa Rao dt.29.10.03
- Ex.M23: Photostat copy of HQENC letter CE/2300/EA/D-286/GRK regarding issuance of speaking order to Shri G Ratna Kumari, W/o G Venkateswara Rao dt.29.10.03
- Ex.M24: Photostat copy of HQENC letter CE/2300/EA/C-219/KTR regarding issuance of speaking order to Shri K Jagadeeswara Rao, W/o K Rama Suri dt.29.10.03
- Ex.M25: Photostat copy of HQENC letter CE/2300/EA/C-287/KVR regarding issuance of speaking order to Shri K Venkata Ramanamma, W/o K Nooka Raju dt.29.10.03
- Ex.M26: Photostat copy of HQENC letter CE/2300/EA/C-141/PM regarding issuance of speaking order to Shri P Madhukar, W/o P Radhakrishna dt.22.11.02
- Ex.M27: Photostat copy of HQENC letter CE/2300/EA/C-289/GSN regarding issuance of speaking order to Shri G Suryanarayana, W/o G Nooka Raju dt.22.10.03
- Ex.M28: Photostat copy of HQENC letter CE/2300/EA/D-293/KVR regarding issuance of speaking order to Shri K Veera Raju, W/o K Somulu dt.30.6.03
- Ex.M29: Photostat copy of HQENC letter order CE/2300/EA/D-290/KNR regarding issuance of speaking order to Shri K Narasinga Rao, W/o K Korlayya dt.30.7.03
- Ex.M30: Photostat copy of HQENC letter CE/2300/EA/C-177/MKR regarding issuance of speaking order to

- Shri M Kesava Rao, W/o M Suryanarayana dt.31.3.03
- Ex.M31: Photostat copy of HQENC letter CE/2300/EA/D-291/TS regarding issuance of speaking order to Shri T Sanyasamma, W/o T Naga Raju dt.30.7.03
- Ex.M32: Photostat copy of HQENC letter CE/2300/EAD-240/PS regarding issuance of speaking order to Shri P Sujatha, W/o P Satyanarayana dt.30.7.03
- Ex.M33: Photostat copy of HQENC letter CE/2300/EA/D-294/KSN regarding issuance of speaking order to Shri KSatyanarayana, W/o K Ramu dt.30.7.03
- Ex.M34: Photostat copy of HQENC letter CE/2300/EA/D-296/KSK regarding issuance of speaking order to Shri K Siva Rama Krishna, W/o K Sanyasi Rao dt.30.7.03
- Ex.M35: Photostat copy of HQENC letter CE/2300/EA/C-180/DMK regarding issuance of speaking order to Shri D Murali Krishna, W/o D Somulu dt.31.03.03
- Ex.M36: Photostat copy of HQENC letter CE/2300/EA/D-260/BR regarding issuance of speaking order to Shri B Ravi. W/o B Pola Rao dt.30.7.03
- Ex.M37: Photostat copy of HQENC letter CE/2300/EA/D-254/BDR regarding issuance of speaking order to Shri B Durga Rani, W/o B Nageswara Rao dt.29.10.03
- Ex.M38: Photostat copy of HQENC letter CE/2300/EAD-272/LB regarding issuance of speaking order to Shri Lakshmi Bisoi. W/o R Bisoi dt.30.7.03
- Ex.M39: Photostat copy of HQENC letter CE/2300/EA/D-252/EA regarding issuance of speaking order to Shri E Akkamma, W/oE Appa Rao dt.30.7.03
- Ex.M40: Photostat copy of HQENC letter CE/2300/EA/D-158/JNR regarding issuance of speaking order to Shri J Nookaratnam, W/oJ Appa Rao dt.31.12.09
- Ex.M41: Photostat copy of HQENC letter CE/2300/EAC-113/CHNR regarding issuance of speaking order to Shri CH Nookalamma, W/o CH Guru Murthy dt.29.11.07
- Ex.M42: Photostat copy of HQENC letter CE/2300/EA/C-187/GSPR regarding issuance of speaking order to Sri G.Surya Prakash Rao, W/o G Konda Babu

नई दिल्ली, 20 फरवरी, 2025

का.आ. 272.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दक्षिण मध्य रेलवे के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (28/2024) प्रकाशित करती है।

[सं. एल - 12025/01/2025-आई आर (बी-1)-21]

सलोनी, उप निदेशक

New Delhi, the 20th February, 2025

S.O. 272.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 28/2024) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of South Central Railway their workmen.

[No. L-12025/01/2025- IR(B-I)-21]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 17th day of December, 2024

INDUSTRIAL DISPUTE No. 28/2024

Between:

The Vice President,

The Guntur Division Railway
Informal Worker Sangh, Ist Line,
Arundelpet, Guntur-522002.

Petitioner

AND

1. Agile Security Force Pvt. Ltd. Guntur
Contractor of the Senior Divisional
Mechanical Engineer, South Central Railway,
Guntur Division.
2. The Senior Divisional Mechanical Engineer,
South Central Railway, Guntur Division,
Guntur.

Respondents

Appearances:

For the Petitioner : None

For the Respondent: None

AWARD

The Government of India, Ministry of Labour by its order No.8/16/2024-B1 dated 30.05.2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s South Central Railway and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of Agile Security Force Pvt. Ltd., Guntur-contractor in terminating the services of 19 contract workmen (as mentioned in Annexure-A to the FOC Report) in the establishment of Senior Divisional Mechanical Engineer, South Central Railway, Guntur Division, Guntur as per the job contract is justified? If not, what relief the workmen are entitled to?”

The reference is numbered in this Tribunal as I.D. No 28/2024 and notices were issued to the parties concerned.

2. Petitioner absent. Record shows that, on previous date, notice issued to petitioner returned with endorsement “insufficient address” and no other address of the petitioner is available. Today also petitioner not present not filed claim statement. In view of absence of petitioner and non-filing of Claim statement, ‘No-Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 17th day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 फरवरी, 2025

का.आ. 273.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्रा बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (17/2007) प्रकाशित करती है।

[सं. एल - 39025/01/2025- आई आर (बी-II)-02]

सलोनी, उप निदेशक

New Delhi, the 20th February, 2025

S.O. 273.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 17/2007) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Bank their workmen.

[No. L-39025/01/2025- IR(B-II)-02]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 24th day of December, 2024

INDUSTRIAL DISPUTE L.C.No. 17/2007

Between:

Sri Samudrapu Srihari,

S/o Ramulu,

Door No. 36-43-13, Jeerivari Street,

Innispetta, Rajahmundry - 533 101

Petitioner

AND

1. The Chairman and Managing Director,
Managing Director,
Chaitanya Godavari Grameena Bank,
Head Office: 4/1 Brodipet,
GUNTER -522 006.
2. The Chairman and Managing Director,
Andhra Bank, Dr. Pattabhi Bhavan,
5-9-11, Saifabad, Hyderabad - 500 004.
3. The Managing Director,
National Bank for Agricultural and
Rural Development (NABARD),
"KURLA COMPLEX, "G" Block No.24,
Bandra East, Mumbai-400 051.
4. The Deputy Governor/Executive Director,
Reserve Bank of India, (Department of Banking Division),
Central Office, Shaheed Bhagat Singh Road,
Fort, Mumbai -400 001.

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Respondents.

Appearances:

For the Petitioner : Party in person

For the Respondent: Smt. G.S. N. Lalitha Kumari, Advocate

AWARD

Sri Samudrapu Srihari who worked with the Respondent (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents seeking for declaring the oral termination dated 20.3.1998 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deem fit.

2. The averments made in the petition in brief are as follows:-

It is submitted that the Petitioner was offered employment on 15.10.1996 by the Management of Godavari Grameena Bank, with Head Office at Door No. 46-22-15, Danavaipeta, Rajahmundry-533103. The first Respondent is the successor in interest of this Godavari Grameena Bank, by virtue of merger/amalgamation. It is submitted that the said Godavari Grameena Bank has been created under Section 3 read with Clause (g) of Section 2 of Regional Rural Banks Act, 1976 and the Second Respondent Andhra Bank is the "Sponsor Bank" within the meaning of Clause (g) of Section 2 of the said Act. Besides, the "Godavari Grameena Bank Staff Service Regulations" stipulate that these "Service Regulations" came into force with previous sanction of Central Government under sponsorship of Reserve Bank of India, read with Section 30 of Regional Rural Banks Act, 1976. Thus, these Service Regulations of Godavari Grameena Bank are equally enforceable upon the Sponsor Bank, which Sponsor Bank is vested with Statutory Authority to administer, supervise and regulate the functioning of the Godavari Grameena Bank, the predecessor of first Respondent before amalgamation of both Godavari Grameena Bank and Chaitanya Grameena Bank. It is submitted that during the pendency of Petitioner's service dispute with the Godavari Grameena Bank, the Union Ministry of Finance, Government of India, issued Notification on 1.3.2006 by Ordering merger of Godavari Grameena Bank into Chaitanya Grameena Bank and the new entity, after merger is renamed as Chaitanya Godavari Grameena Bank. Clause 6 of the Notification reads the Service Conditions of all employees of this Grameena Bank which are regulated by Sponsor Bank and National Bank for Agriculture and Rural Development (NABARD) thus, the third Respondent and fourth Respondents are also necessary parties to this dispute. The clause 6 of the Central Government Notification ensures that all employees of first Respondent are protected under Industrial Disputes Act, 1947. It is submitted that Petitioner was offered employment on 15.10.1996 which was accepted and thereafter services were taken continuously by first Respondent for full seventeen months. His initial salary was Rs. 1,500/- per month and later on revised to Rs. 1,800/- per month. Though Petitioner was employed in regular post and not as a substitute workman, and discharging duties equally on par with other regular employees of similar job status, qualifications are far superior to any other staff employees of the cadre, he was not given regular pay scale etc.. It is submitted that upon his demand for the same he was orally terminated and no written termination orders issued. It is submitted that the interview call letter nowhere stipulated any conditions or tenure restrictions like 30 days or 89 days. But the Petitioner continued to work in the Head Office of Godavari Grameena Bank uninterrupted upto 28.02.1997, i.e., 130 days service even after the expiry of 30 days. During this period the Godavari Grameena Bank Management neither issued any fresh appointment letter upon expiry 30 days of original appointment letter dated 15.10.1996 nor renewed the said original order. It is submitted that the Petitioner did not work in any leave vacancy. The procedure of recruitment is identical in the case of both Regular employees as well as Temporary employees. The Godavari Grameena Bank Management is estopped and waived against resorting to such course of action. It is submitted that deputations from head Office to other Branch Offices and the relieving orders from Branch offices upon expiry of deputation and surrendering to Head Office are well documented and borne by record in the name of Petitioner. It is submitted that Petitioner was paid all connected Travelling/Dearness Allowances for these deputations' tenure on par with other Regular employees, as fixed by Government and applicable to this Bank, upon such each deputation and relieving back to Head Office. It is submitted that (1) L.V.N.N. Durga Prasad, (2) G. Uma Maheswara Rao, (3) P.M. Nageswara Rao, (4) P.V. Ramana Rao, (5) Ch. Satya Ramesh and (6) K.V.R. Satya Sri are some of such employees who are all recruited subsequent to Petitioner's appointment on same terms and conditions categorising them as "Temporary Status" and continuing them without artificial breaks. Petitioner filed Writ Petition No. 24671/1999 on 26.11.1999 and also filed W.P.M.P. No. 31047 of 1999 before the Hon'ble High Court praying for directions and the Hon'ble High Court issued directions, that: "Interim directions as prayed for provided there are vacancies in Respondent organization". That the Godavari Grameena Bank Chairman passed an office order dated 08.12.2000 letter No. 001/3/389/867 appointing Petitioner as temporary clerk-cum-cashier/typist at one of its Branch office due to temporary increase in work/in the leave vacancy of permanent staff member. Neither the appointment is expressly directed any substitute employment of particular Staff Member caused leave vacancy. In fact there was no leave vacancy at all. It is submitted that in view of the pending writ petition before Hon'ble High Court wherein Petitioner has claimed reinstatement against his oral termination w.e.f. 20.3.1998, Godavari Grameena Bank issued office order dated 08.12.2000 which is arbitrary, discriminative, adopting unfair labour practice. It is submitted that Petitioner has filed W.P. M.P. No. 5756 of 2001, praying the Hon'ble High Court to direct the Godavari Grameena Bank to continue his services upon expiry of this 89 days period also, which is pending. Then, he got appointment for a period of another 89 days, yet, at another Branch Office from 22.02.2002 to 21.05.2002. Later Petitioner submitted Medical Certificate issued by a Competent Medical Officer certifying his physical infirmity which demanded rest for 14 weeks upto 31.05.2002. The Godavari Grameena Bank Management acknowledged such Medical sickness. After this the Godavari Grameena Bank did not offer him any appointment till date, ignoring the directions in W.P.

No.24671/1999 on 29.7.2005. Petitioner further submits that the substantial legal position is that he continued to discharge uninterrupted 17 months service without any appointment letter, that itself created a right for him under Rule 8 of Staff Service Regulations. There is no Law permitting the Godavari Grameena Bank to retreat or create camouflaged scenes later on meant to coverup their own misdeeds. That this representation is without prejudice to the Right of enforceability of Sections 25-F and Sec.25-H of I.D. Act 1947 which are preserved for him, before appropriate Judicial Forum created under the Industrial Disputes Acts. The employer Bank appointed number of Juniors and freshers, by adopting various camouflaged tactics through a vicious process of selective discrimination, by employing individual workmen with different names, circumventing the judicial process, adopting to unfair labour practice victimizing the Petitioner. The non employment with effect from 30.7.2005 is retrenchment and Petitioner was not paid any retrenchment compensation, nor the retrenchment is consequent of any indiscipline. Thus, the action of first Respondent in not employing the Petitioner from 30.7.2005 is illegal, malafide, arbitrary. Hence, prayed to direct the Respondents to reinstate him into service with all consequential benefits.

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

It is submitted that only labour Court, Hyderabad that the appointment of the Petitioner is a temporary / term appointment for a specific period, to meet the temporary needs of the Management due to seasonal requirement, sudden additional work. As soon as the term is completed, the term appointment will be automatically seized. The Petitioner can not presume / assume other than the specific terms and conditions of the appointment order, given to him before joining with the Management. It is submitted that the staff service regulations are applicable to the regular / permanent employees of the Management. The staff service regulations are not applicable to the term appointment / temporary clerks as claimed by the Petitioner in the petition. It is true that Mr.S.Srihari has been employed by the Management as a temporary clerk @ consolidated pay of Rs. 1500/- per month as stipulated in the temporary appointment order, which is not against any regular post or vacancy. Later, the same was revised to Rs.1800/- per month. Respondent submits that Management is a Grameen Bank who have to lend money and services to the farmers, etc., as per Government's Policy (or) Bank's guidelines from time to time. Since farmers requirements are coupled with agricultural season, etc., the Management has to cope with its business to the tune of farmers' requirements. In this connection, the Management recruits extra clerks / sweepers purely on temporary basis to meet the seasonal demands of the Bank / Management. Accordingly, the appointment order also has been issued to that effect. As it is a temporary appointment for a specific period as per Bank's Rules, the temporary appointment will be end-up as specified in the appointment. Respondent submits that the Petitioner himself clearly narrated that his appointment order is as per Board's Resolution No.486, Dt.27.9.95 "employment of temporary clerks and watchmen". This appointment is not against any permanent vacancy. Since Company's business will be as per the Government's Directions and coupled with Cash, Loans, etc., the Management will follow basic/minimum procedure while recruiting even the temporary clerks, such as, basic qualification, preliminary interview, etc. After preliminary process, the suitable candidate will be given an opportunity to serve the Bank/management by way of temporary appointment order. In this process, if the candidate is not interested, he may reject the temporary appointment order. He is free to take his decision, at his choice. Since, it is a temporary clerk position; there will not be any surety or any bond, which will be required for permanent appointments. In any case, if the Petitioner presumes/assumes his appointment is against permanent vacancy or order. There need not be any specific termination order, as the Petitioner alleges. Even the Petitioner can very well enquire about his position, before taking up this temporary clerk position, instead of repenting at this stage and dragging the Bank / Management for no fault of it. Further, Respondent submits that it is categorically mentioned in the appointment order that the temporary clerical services are required for a temporary or specified period. In any case, if the services are utilized beyond the period, it does not mean that he will have some special privileges/ benefits other than the terms and conditions specified in the temporary appointment order. If the Petitioner is not interested to continue at that time, he would have left the Bank, at his choice. Respondent submits that from time to time the Board will review its manpower requirements and available to meet the business requirements, which is the prerogative of the Management. In that review, the Board of Directors will take decision, whether the Bank has to recruit on permanent rolls or temporary arrangements to meet the requirements of the bank as well as farmers' seasonal requirements. It is further submitted that the Bank having its branches/ office in few districts and free to take decision either to transfer permanently or temporarily and also to send on deputation at its sole discretion, to meet the needs of the business operations. In his process, the Bank/Management will pay the TA/DA to all the employees, as per the rules of the Bank and he will not have any special benefit / right other than the rights/privileges to that category of employee. Accordingly, the Board of Directors will empower the CMD to appoint temporary clerks as per guidelines given. It is a general practice that along with Petitioner, few more temporary clerks might have been appointed to meet the requirements of the Bank. It is the prerogative of the Management to meet its requirements or meets the legitimate obligations in the interest of the Nation at large also. It is submitted that the CMD has to circulate specific court matters to its Board of Directors and Standing Counsels for their opinion / approval. In this process, some delay may be occurred, which does not mean that the Management has not had any respect towards the Hon'ble High Court. It is neither intentional nor deliberate; it is only a procedure. Sometimes, the Bank/Management has to obtain clearance from the Govt/NABARD/RBI also. Respondent submits that since the temporary clerical services are required once again, the management has given temporary in nature and no false hope

or promises given by the Bank/Management for regular appointment, at no point of time as per the bank's rules and an opportunity to the Petitioner, as regulations / procedures. The temporary appointment and number of temporary clerks is an internal information/procedure, which need not be explained / exhibited to the applicant/ Petitioner. According to the appointment order, if the candidate is interested, he may join with the Bank. This will not be an unfair labour practices at any point of time and Petitioner's claim / view is totally wrong and non-application of mind. The Management submits that since Respondent is a Govt. Organization, the payment will be decided by the board of Directors as per the guidelines given by the Govt/RBI/Nabard, etc. If the candidate is interested, he may join; otherwise he may refuse. Only interested candidates will render their services. There will not be any compulsion. Respondent submits that since it is term appointment; and hence Sec.25-F and S.25-H of ID Act, 1947 does not attract. It is submitted that the basic requirement for this temporary clerk position is graduation. If the Petitioner is having extra qualification, he will not have any special incentive or increment or any other extra payment. The uniform payment pattern will be decided by the Board of the Directors as per their directives given to them. It is open to the candidates to use their choice. Respondent further submits that it is purely a temporary appointment to meet the seasonal requirements of the Bank/Management; and hence the "term of termination" claimed by the Petitioner is not appropriate. This temporary engagement of the services of the Petitioner is as per Sec.2(00)(bb) of ID ACT, 1947. Hence, prayed to dismiss the petition as devoid of merits.

4. Both parties did not adduce either oral or written argument.

5. On the basis of rival pleadings of both the parties, following points emerge for determination in the matter:-

- I. Whether the action of Respondent Management in terminating the services of the Petitioner by oral order dated 20.3.1998 is legal and justified?
- II. To what relief if any, the Petitioner is entitled for?

Findings:-

6. Point No.I:- The factual background in a nut shell is as under:-

The case of the Petitioner is that he was offered employment on 15.10.1996 by the management of Godavari Grameena Bank with the head office at D.No.46-22-15, Danavaipeta, Rajahmundry. The first Respondent is the successor of Godavari Grameena Bank by virtue of merger and amalgamation. Further, Petitioner submits that after joining the service, his services were taken continuously uninterrupted in all the branches of first Respondent for full 17 months. His initial salary was Rs.1500/- per month. Later on revised to Rs.1800/- per month. Further, Petitioner claims that he was not given regular pay scale and other employment benefits though he was employed in regular posts and vacancy and not yet a substitute Workman, even though he was discharging on par with regular employees of same job status. Further, the Petitioner claims that due to repeated demand in the pay scale applicable to his cadre and implementation of other employment benefits on par with other similarly placed regular employees was resulted in his oral discharge on 20.3.1998. But, no termination order was issued by the Respondent. Further, it is submitted that initially he was appointed on temporary basis and after one year or more, his services were likely to be treated on par with the regular employees. The subsequent action of the Godavari Grameena Bank in offering 30 days tenure of appointment by itself against staff service regulations. It is discrimination on account of limited tenure on par with the other employees equally placed. Further, the Petitioner submits that he joined the service on 28.10.1996 on 30 days temporary appointment offer dated 15.10.1996. Yet he has to continue at head office uninterruptedly upto 20.2.1997 i.e., all together 130 days service even after expiry of the 30 days. During this period the Bank Manager has not issued any fresh appointment order except the original appointment letter dated 15.10.1996, so also Godavari Grameena Bank did not discontinue his services at anytime during these 130 days. After 89 days appointment or other invented causes. Godavari Grameena Bank Management taken his services in the cadre of the posts those are either sanctioned or existing in the Godavari Grameena Bank Head Office. Not even a single day of these 130 days is substitute employment. Therefore, these established circumstances confirm that his services is not subject to Clause (2) Rule 4 of Godavari Grameena Bank "Staff Service Regulations". Further, it is submitted that he has been terminated in violation of the provision of Section 25 F and 25 H of the I.D. Act, 1947 and oral dismissal order of workman from service is, liable to be set aside.

7. As the workman has taken the plea that his dismissal order from service was in violation of provisions of Section 25H and 25F of the Industrial Disputes Act and therefore, it would be relevant to reproduce the said provision quoted as below:-

Section 25F in The Industrial Disputes Act, 1947

25F. Conditions precedent to retrenchment of workmen.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service] or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette].

Compensation to workmen in case of transfer of undertakings.

Section 25 H provides:-

Re-employment of retrenched workmen:- (1) Where any workmen are retrenched, and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity to the retrenched workmen who are citizens of India to offer themselves for re-employment, and such retrenched workmen who offer themselves for re-employment shall have preference over other persons.

Sec.2(oo) defines the term "Retrenchment" as quoted below:-

"Section 2(oo) "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include –

(a)

(b)

(bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein"

Now, let us examine whether the termination of workman from service is covered under the term retrenchment as defined u/s 2(oo) of the I.D. Act, 1947.

8. In support of the claim statement, the Petitioner has filed affidavit of chief statement of WW1 wherein witness has reiterated the averments made in claim statement and he has also exhibited documents Ex.W1 to W38 and Ex.W39 to W44. However, witness WW1 was cross examined by the Counsel for Respondent and in his cross examination, WW1 states:-

"I was working temporarily as clerk cum cashier in Respondent organization. I had been appointed on temporary basis for 89 days but they continued me up to 515 days without any break. It is not true to suggest that I had worked only for 232 days in the Respondent bank. Ex. W26 is the service certificate issued by the Respondent bank. The contents of Exhibit W26 are true and correct. It is not true to suggest that basing on Ex.W26, the Respondent were at liberty to terminate me and I along with others were terminated from Respondent office as we were temporary workers. It is not true to suggest that as my post was temporary nature I have no right to claim the job in the Respondent bank. It is not true to suggest that I had not got appointment through regular process. I am not entitled for regular appointment in the Respondent bank. It is true to suggest that other temporary workers who worked with me were terminated and they were not regularised. They have also not filed any cases in this court. It is true that other temporary workers after termination had filed cases before Hon'ble High Court and their cases were dismissed."

9. Thus, from the statement of WW1 in cross examination it reflects that initially workman was appointed on temporary basis for 89 days and further his contract of employment was extended by the Respondent from time to time by issuing fresh appointment letter for stipulated days and contract terminated after expiry of period stipulated therein.

10. However, Ex.W26 reveals that it is an office order dated 15.10.1996 issued by the General Manager, Godavari Grameen Bank addressed to Petitioner Sri Samudrapu Srihari and the contents of the document Ex.W26 is reproduced below:-

"With reference to the above, we hereby appoint you as a temporary Clerk cum Typist at our Head office. You are hereby advised to report on 22/10/1996. The appointment is purely temporary for 30 days and can be terminated at anytime without any prior notice. You have to perform clerical duties including typing etc.. You will be paid salary @ Rs.1500/- per month."

11. Thus, document Ex.W26 clearly reflects that initially the Petitioner was appointed by the Respondent as temporary clerk cum typist at the Head Office for 30 days and further there was stipulation that he can be terminated from service at any time without any prior notice before expiry of term period of 30 days. Further, Office Order dated 21.2.1997 reflects that the Petitioner S. Srihari was engaged during the leave period of the Clerk from 24.2.97. Ex.W28 Office order which reflects that Petitioner Sri S. Srihari was engaged during the leave period of clerk from 19.4.97 and like that, Ex.W29 shows he was engaged from 9.6.97, Ex.W30 from 22.9.97 to 23.9.97, Ex.W31 from 18.10.97 to 19.10.97 and Ex.W32 from 27.11.97 to 28.11.97 respectively. Thus, from the afore mentioned office orders issued by the Respondent for engagement of workman in his employment reflects that the Petitioner was

engaged in the employment by the Respondent for a stipulated period on temporary basis from time to time and his term of engagement was ceased on the date mentioned in those office orders. Thus, from the perusal of afore mentioned exhibited document filed by Petitioner it is established that he was engaged by the Respondent temporarily on leave vacancy of regular employee for a stipulated term mentioned in appointment order on contract basis. Therefore, the provision of Section 2 (oo) (bb) of ID Act attracts in the case of Petitioner. As the termination of the Petitioner from employment was due to non-renewal of contract and the term of his engagement expired on the date as stipulated in the appointment order. Therefore, disengagement of Petitioner from the service by the Respondent does not come under the definition of retrenchment, as defined u/s 2(oo) (bb) of ID Act. As the case of Petitioner's dismissal is not covered under the definition of retrenchment and does not amounts to retrenchment hence, he can not take the plea that his termination is in contravention of provision of Sec.25 H of I.D. Act, 1947.

12. In this context, I would like to make reference of the decision of Hon'ble Supreme Court in the case of **Kishore Chandra Samal vs. The D.M., Orissa State Cashew, AIR 200 Supreme Court 3613**. The facts in the aforesaid case were that, Appellant workman was working as a Typist with effect from 12.7.1982. He was appointed for a specific period on daily wage basis. On consideration of the representation for further engagement and having regard to the requirement, he was engaged again and again on daily wage basis for specific period. The last order of appointment on N.M.R. basis was issued to him on 28.4.1989. Thereafter no further extension was given. Thereafter, his service automatically ceased and it is not a case of retrenchment.

In that case Hon'ble Supreme Court have held that:-

The position of law relating to fixed appointments and the scope and ambit of Section 2(oo)(bb) and Section 25-F were examined by this Court in several cases. In Morinda Coop. Sugar Mills Ltd. v. Ram Kishan and Ors. (1995 (5) SCC 653) it was observed as follows:

"4. It would thus be clear that the respondents were not working throughout the season. They worked during crushing seasons only. The respondents were taken into work for the season and consequent to closure of the season, they ceased to work.

5. The question is whether such a cessation would amount to retrenchment. Since it is only a seasonal work, the respondents cannot be said to have been retrenched in view of what is stated in clause (bb) of Section 2(oo) of the Act. Under these circumstances, we are of the opinion that the view taken by the Labour Court and the High Court is illegal. However, the appellant is directed to maintain a register for all workmen engaged during the seasons enumerated hereinbefore and when the new season starts the appellant should make a publication in neighbouring places in which the respondents normally live and if they would report for duty, the appellant would engage them in accordance with seniority and exigency of work."

Recently, the question was examined in Batala Co- operative Sugar Mills Ltd. v. Sowaran Singh (2005 (7) Supreme 165) Section 2(oo) of the Act reads as follows:

"Section 2(oo) "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include –

(a)

(b)

(bb) termination of the service of the workman as a result of the non-removal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein"

Similarly, in the present case the Petitioner was engaged for a stipulated period on contract basis having regard to requirement of the Company again and again for the work and at every time of engagement fresh order was passed by Respondent. The last order of appointment was issued on dated 14.2.2002 for a period of 889 days from 22.2.2002 to 21.5.2002. Thus, it established that Petitioner had worked on contract basis for stipulated period in the order.

13. Thus, in view of the fore gone discussion and law laid down by the Apex Court, the case of the Petitioner is not covered under the definition of retrenchment as defined under Section 2(oo)(bb). Therefore, he can not claim shelter of provision of Sec.25H of the Act against his termination order. Therefore, the action of Respondent in terminating the services of the Petitioner vide oral order dated 20.3.1998 is held legal and justified.

Thus, Point No.I is answered accordingly.

14. Point No.II:- In view of the fore gone discussion and finding given at Point No.I, the Petitioner is not covered under the definition of retrenchment and hence, not entitled for any relief and petition is liable to be dismissed.

This Point is answered accordingly.

AWARD

In view of the fore gone discussion and finding given at Points No. I & II, It is held that the action of the Respondent in terminating the services of the Petitioner Sri Samudrapu Srihari does not amount to violation of provision of Sec.25F and 25H of the I.D. Act, 1947. Hence, the Petitioner is not entitled to any relief as prayed for. As such, the petition filed by the Petitioner deserves to be dismissed as devoid of merits. Therefore, the petition

stands dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 24th day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

WW1: Sri Samudrapu Srihari

NIL

Documents marked for the Petitioner

Ex.W1: Photostat copy of order passed in WP No.24671 dt.27.10.2005

Ex.W2: Photostat copy of legal notice to Respondent dt.27.10.2005

Ex.W3: Photostat copy of acknowledgement of Ex.W2

Ex.W4: Photostat copy of notice dt.25.1.200 to R1 and R2 by RPAD

Ex.W5: Photostat copy of acknowledgement from R1

Ex.W6: Photostat copy of acknowledgement from R2

Ex.W7: Photostat copy of notice to R1, R3, R4 by RPAD

Ex.W8: Photostat copy of acknowledgement from R4

Ex.W9: Photostat copy of acknowledgement from R2

Ex.W10: Photostat copy of acknowledgement from R1

Ex.W11: Photostat copy of representation of WW1 to Respondents

Ex.W12: Photostat copy of acknowledgements

Ex.W13: Photostat copy of acknowledgement from R4

Ex.W14: Photostat copy of acknowledgement from R2

Ex.W15: Photostat copy of acknowledgement from R3

Ex.W16: Photostat copy of representation of WW1

Ex.W17: Photostat copy of acknowledgement from R3

Ex.W18: Photostat copy of acknowledgement from R1

Ex.W19: Photostat copy of acknowledgement from R4

Ex.W20: Photostat copy of acknowledgement from R2

Ex.W21: Photostat copy of acknowledgement from R4

Ex.W22: Photostat copy of acknowledgement from R3

Ex.W23: Photostat copy of acknowledgement from R2

Ex.W24: Photostat copy of acknowledgement from R1

Ex.W25: Photostat copy of lr.dt.28.9.1996 call letter for interview from R1

Ex.W26: Photostat copy of offer of appointment dt.15.10.96

Ex.W27: Photostat copy of deputation order dt.21.2.1997

Ex.W28: Photostat copy of deputation order dt.17.4.97

Ex.W29: Photostat copy of deputation order dt.7.6.97

Ex.W30: Photostat copy of deputation order dt.22.9.97

Ex.W31: Photostat copy of deputation order dt.18.10.97

Ex.W32: Photostat copy of deputation order dt.25.11.97

- Ex.W33: Photostat copy of inter office memo dt.22.6.98
- Ex.W34: Photostat copy of reference to resolution for empanelment of temporary employment 12.4.1996
- Ex.W35: Photostat copy of lr dt. 12.4.1996
- Ex.W36: Photostat copy of order passed in WPMP No.31047 dt.27.10.2000
- Ex.W37: Photostat copy of 89 days employment offer dt.8.12.2000
- Ex.W38: Photostat copy of another 89 days employment offer dt.14.2.2002
- Ex.W39: Photostat copy of order passed in WP No.29116/1995 & WP No.33304/1997
- Ex.W40: Photostat copy of lr. dt.20.3.1993 reg. regularization of services of all temporary employees orders issued to all RRBs
- Ex.W41: Photostat copy of office note relating to continuation of temporary employees by R1 dt.8.9.1997
- Ex.W42: Photostat copy of office note relating to continuation of temporary employees by R1 dt.12.3.1998
- Ex.W43: Photostat copy of office note relating to continuation of temporary employees by R1 dt. 1.7.1998
- Ex.W44: Photostat copy of proceedings of D/o Economic Affairs reg. merger of Respondent banks

Documents marked for the Respondent

NIL

नई दिल्ली, 20 फरवरी, 2025

का.आ. 274.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (48/2024) प्रकाशित करती है।

[सं. एल - 39025/01/2025- आई आर (बी-II)-03]

सलोनी, उप निदेशक

New Delhi, the 20th February, 2025

S.O. 274.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 48/2024) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Union Bank of India their workmen.

[No. L-39025/01/2025- IR(B-II)-03]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 2nd day of January, 2025

INDUSTRIAL DISPUTE No. 48/2024

Between:

Smt Mamidi Sujatha,

6-1-5/1, Vivekananda Street,

Wednesday Market, Bhimavaram,

West Godavari,
Andra Pradesh-534201.

..... Petitioner

AND

1. The Branch Manager,
Union Bank of India,
Ilapakurru, Yelamanchili Mandal,
West Godavari, Andra Pradesh-534266.
2. Union Bank of India,
Head Office, Union Bank Bhavan,
239, Vidhan Bhavan Marg, Nariman,
District: Mumbai-400021.

... Respondents

Appearances:

For the Petitioner : None

For the Respondent: Dr. K Lakshmi Narasimha & B Kiran Kumar, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.7/6/2024-B1 dated 17.10.2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Union Bank of India and their workmen. The reference is,

SCHEDULE

“Whether the action of terminating the services of the workman Smt Mamidi Sujatha by the management of Union Bank of India, Illapakuru is justified or not? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No 48/2024 and notices were issued to the parties concerned.

2. Petitioner absent. Record shows that, on previous date, notice issued to petitioner returned with endorsement “No such person in the address” without intimation and no other address of the petitioner is available. Today also petitioner not present not filed claim statement. In view of absence of petitioner and non-filing of Claim statement, ‘No-Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 2nd day of January, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 फरवरी, 2025

का.आ. 275.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्रा बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (19/2019) प्रकाशित करती है।

[सं. एल - 12011/37/2018-आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 24th February, 2025

S.O. 275.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 19/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Bank their workmen.

[No. L-12011/37/2018- IR(B-II)]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 23rd day of December, 2024**INDUSTRIAL DISPUTE No. 19/2019**

Between:

The General Secretary,

Andhra Bank Award Employees Union,

506, 5th Floor, Taramandal Complex,

Saifabad, Hyderabad-500004.

.....

.Petitioner

AND

1. The Deputy General Manager,
Andhra Bank, Zonal Office,
H.No. 8, Near Simhadwaram,
Venkatapuram Village, Srikakulam
Andhra Pradesh-

2. The Branch Manager,
Andhra Bank, Pedapenki Branch,
Pedda Veedhi, Pedapenki,
Balijipeta (M), Vizianagaram

... Respondents

Appearances:

For the Petitioner : None

For the Respondent: Dr K Lakshmi Narasimha & B Kiran Kumar, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-12011/37/2018 (IR(B-II) dated 21.12.2018 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Andhra Bank and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of Andhra Bank, Pedapenki Branch, Vizianagaram in not considering the demand for regularization of Ms. O. Latha in the post of Sub-Staff allegedly working since 28.11.2012 is justified? If not, what relief the concerned workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No 19/2019 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite of providing sufficient opportunity petitioner did not filed any claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is 'No Claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 23rd day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 फरवरी, 2025

का.आ. 276.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्रा बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (136/2018) प्रकाशित करती है।

[सं. एल - 12011/33/2018- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 24th February, 2025

S.O. 276—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.136/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Bank their workmen.

[No. L-12011/33/2018- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 23th day of December, 2024

INDUSTRIAL DISPUTE No. 136/2018

Between:

The General Secretary,

Andhra Bank Award Employees Union,

506, 5th Floor, Taramandal Complex,

Saifabad, Hyderabad-500004.

.....Petitioner

AND

1. The Deputy General Manager,

Andhra Bank, Zonal Office,
H.No. 8, Near Simhadwaram,
Venkatapuram Village, Srikakulam
Andhra Pradesh-

2. The Branch Manager,
Andhra Bank, Komarada Branch,
D.No. 3-13, Mandapottu Centre,
Komaradam, Vizianagaram-

... Respondents

Appearances:

For the Petitioner : None

For the Respondent: Mujib Kumar Sadasivuni, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-12011/33/2018 (IR(B-II) dated 10.10.2018 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Andhra Bank and their workmen. The reference is,

SCHEDULE

“Whether the regularization of service is an industrial dispute under the ID Act 1947, if so whether the demand of Ms. G. Mangamma performing bank’s Sub-Staff duties on temporary basis for the last 6 to 7 years without breaking service of the management of Andhra Bank, Komarada Branch, Vizianagaram for regularization of her services is legal and justified? If yes, what relief the concerned workman is entitled to and what directions are necessary in this case?”

The reference is numbered in this Tribunal as I.D. No 136/2018 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite of providing sufficient opportunity petitioner did not filed any claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 23th day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 फरवरी, 2025

का.आ. 277.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्रा बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (27/2019) प्रकाशित करती है।

[सं. एल - 12011/85/2018- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 24th February, 2025

S.O. 277.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 27/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Bank their workmen.

[No. L-12011/85/2018- IR(B-II)]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 23rd day of December, 2024**INDUSTRIAL DISPUTE No. 27/2019**

Between:

The General Secretary,
All India Banki Deposit
Collectors Workmen Union,
162, 3rd Cross, 2nd Stage,
Gayuathri Puram,
MYSORE-570029

.....Petitioner

AND

The Chairman & Managing Director,
Andhra Bank, Head Office,
Koti, Hyderabad

... Respondents

Appearances:

For the Petitioner : None

For the Respondent: Dr K Lakshmi Narasimha & B Kiran Kumar, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-12011/85/2018 (IR(B-II) dated 22.01.2019 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Andhra Bank and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of Andhra Bank in terminating the services of Pigmy Deposit Collectors working in the Andhra Bank as Bhagya Lakshmi Deposit (BLD) Collectors for over 35 years is legal and justified? If not, what relief?

The reference is numbered in this Tribunal as I.D. No 27/2019 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite of providing sufficient opportunity petitioner did not filed any claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 23rd day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 फरवरी, 2025

का.आ. 278.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्रा बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (91/2018) प्रकाशित करती है।

[सं. एल - 12011/20/2018- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 24th February, 2025

S.O. 278.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 91/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Bank their workmen.

[No. L-12011/20/2018- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 23rd day of December, 2024

INDUSTRIAL DISPUTE No. 91/2018

Between:

The General Secretary,

Andhra Bank Employees Federation,

C/o Andhra Bank, Eluru Road Branch,

Near Challapalli Bunglow,

Vijayawada (AP)-

.....

Petitioner

AND

The General Manager,

Andhra Bank, Head Office,
Pattabhi Bhawan, Saifabad,
Hyderabad
Appearances:

... Respondents

For the Petitioner : None

For the Respondent: Dr K Lakshmi Narasimha, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-12011/20/2018 (IR(B-II) dated 23.07.2018 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Andhra Bank and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of Andhra Bank, Hyderabad in denial of appointment on compassionate grounds to Smt. SK Karimunni dependant of the deceased employee, Sri Mastan Uli, Security Guard, Seetharampura Branch, Vijaywada is legal and justified ? If not, what relief the workman is entitled and to what extent?”

The reference is numbered in this Tribunal as I.D. No 91/2018 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite of providing sufficient opportunity petitioner did not filed any claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 23rd day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 फरवरी, 2025

का.आ. 279.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्रा बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (102/2018) प्रकाशित करती है।

[सं. एल - 12011/32/2018-आई आर (बी- II)]

सलोनी, उप निदेशक

New Delhi, the 24th February, 2025

S.O. 279.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.102/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Bank their workmen.

[No. L-12011/32/2018- IR(B-II)]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 23rd day of December, 2024**INDUSTRIAL DISPUTE No. 102/2018**

Between:

The General Secretary,

Andhra Bank Award Employees Union,

506, 5th Floor, Taramandal Complex,

Saifabad, Hyderabad-500004.

..... Petitioner

AND

1. The Deputy General Manager,

Andhra Bank, Zonal Office,

H.No. 8, Near Simhadwaram,

Venkatapuram Village, Srikakulam

Andhra Pradesh-

2. The Branch Manager,

Andhra Bank, Parvathipuram Branch,

Vizianagaram-

... Respondents

Appearances:

For the Petitioner : None

For the Respondent: Dr K Lakshmi Narasimha, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-12011/32/2018 (IR(B-II) dated 29.10.2018 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Andhra Bank and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of Andhra Bank, Parvathipuram Branch, Vizianagaram in not considering the regularisation of Ms. B Narayanamma alleged to be working from 2009 in the post of Sub-Staff engaged on temporary basis against permanent vacancy of Sub-Staff is legal & justified? If not, what relief the concerned workman is entitled to?” And 2) Whether the claim of the union that the Management is not paying wages to Ms. B. Narayanamma as per the Minimum Wages Act and Bank’s circular and guidelines contained in Lr. No. 666/20/IR/263 dated 06.12.2005 and Lr. No.666/3/20/205 dated 23.12.2013 “for payment of appropriate proportionate scale wages to the temporary workmen” is justified? If justified, what relief she is entitled to from 2009?

The reference is numbered in this Tribunal as I.D. No 102/2018 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite of providing sufficient opportunity petitioner did not filed any claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 23rd day of

December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 फरवरी, 2025

का.आ. 280.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्रा बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (101/2018) प्रकाशित करती है।

[सं. एल - 12011/31/2018-आई आर (बी- II)]

सलोनी, उप निदेशक

New Delhi, the 24th February, 2025

S.O. 280.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 101/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Bank their workmen.

[No. L-12011/31/2018- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 23th day of December, 2024

INDUSTRIAL DISPUTE No. 101/2018

Between:

The General Secretary,
Andhra Bank Award Employees Union,
506, 5th Floor, Taramandal Complex,
Saifabad, Hyderabad-500004.

.....Petitioner

AND

1. The Deputy General Manager,
Andhra Bank, Zonal Office,
H.No. 8, Near Simhadwaram,

Venkatapuram Village, Srikakulam

Andhra Pradesh-

2. The Branch Manager,
Andhra Bank, Rellivalasa Branch,
D.No. 5-97, Rajaveedhi Rellivalasa,
Poosapatirega (M), Vizianagaram

... Respondents

Appearances:

For the Petitioner : None

For the Respondent: Dr K Lakshmi Narasimha, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-12011/31/2018 (IR(B-II) dated 18.10.2018 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Andhra Bank and their workmen. The reference is,

SCHEDULE

1. Whether the demand for regularization of services is an ID under ID Act 1947? If so, Whether the action of the management of Andhra Bank, Rellivalasa Branch, Vizianagaram in not considering the regularization of Ms. G. Seethamma alleged to be working from 22.02.2014 in the post of Sub-Staff engaged on temporary basis against permanent vacancy of Sub-Staff is legal & justified? If not, what relief the concerned workman is entitled to, ?” And
2. Whether the claim of the union that the Management is not paying wages to Ms. G. Seethamma as per the Minimum Wages Act and Bank’s circular and guidelines contained in Lr.No. 666/20/IR/263 dated 06.12.2005 and Lr.No. 666/3/205 dated 23.12.2013 “for payment of appropriate proportionate scale wages to the temporary workmen” is justified? If justified, what relief she is entitled to from 22.02.2014 ?

The reference is numbered in this Tribunal as I.D. No 101/2018 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite of providing sufficient opportunity petitioner did not filed any claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 23th day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 फरवरी, 2025

का.आ. 281.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (130/2018) प्रकाशित करती है।

[सं. एल - 12012/14/2018- आई आर (बी- II)]

सलोनी, उप निदेशक

New Delhi, the 24th February, 2025

S.O. 281.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 130/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda their workmen.

[No. L-12012/14/2018- IR(B-II)]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 24th day of December, 2024**INDUSTRIAL DISPUTE No. 130/2018**

Between:

Smt. B. Bhagya Laxmi

W/o B. Ram Mohan,

H.No. 57/25, Rajiv Gruha Kalpa

Colony, Annojiguda Ghatgkesar,

Telangana-

.....Petitioner

AND

1. The Deputy General Manager,
Bank of Baroda, Regional office,
3-6-262/6, Tirumula Estates, Himayathnagar,
Hyderabad-500029.
2. The Senior Manager (HRM),
Bank of Baroda, Regional Office,
Himayathnagar, Hyderabad-500029
3. The Chief Manager,
Bank of Baroda, Gaddinnaram Branch,
Fruit Market, Dilsukhnagar,
Hyderabad-500029.

... Respondents

Appearances:

For the Petitioner : D. Ravishankar Rao, Advocate

For the Respondent: T.S. Venkata Ramana, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-12012/14/2018 (IR(B-II) dated 23.07.2018 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Bank of Baroda and their workmen. The reference is,

SCHEDULE

1. Whether the action of the management of Bank of Baroda, Gaddiannaram Branch in termination of the services of Smt. Bhagya Lakshmi, Casual/temporary worker from 01/08/17 who has worked continuously for 08 years is justified? If not, what benefits she is entitled to.
2. Whether the action of the management of Bank of Baroda, Gaddiannaram Branch in not absorbing Smt. B. Bhagya Lakshmi in the post of Peon-cum-Sweeper is justified? If not, what relief the concerned workman is entitled to?

The reference is numbered in this Tribunal as I.D. No 130/2018 and notices were issued to the parties concerned.

2. After filing claim statement Petitioner remained absent. Despite sufficient opportunity accorded to him, the Petitioner did not adduce any evidence to substantiate his claim. Perused the record. Since the Petitioner has not substantiated his claim by any evidence, therefore, a 'No-claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 24th day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 फरवरी, 2025

का.आ. 282.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्रा बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (103/2018) प्रकाशित करती है।

[सं. एल - 12011/30/2018- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 24th February, 2025

S.O. 282.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.103/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Andhra Bank their workmen.

[No. L-12011/30/2018- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 23rd day of December, 2024

INDUSTRIAL DISPUTE No. 103/2018

Between:

The General Secretary,

Andhra Bank Award Employees Union,

506, 5th Floor, Taramandal Complex,

Saifabad, Hyderabad-500004.

.....Petitioner

AND

1. The Deputy General Manager,
Andhra Bank, Zonal Office,
H.No. 8, Near Simhadwaram,
Venkatapuram Village, Srikakulam
Andhra Pradesh-
2. The Branch Manager,
Andhra Bank, Bobbili Branch,
Vizianagaram-

... Respondents

Appearances:

For the Petitioner : None

For the Respondent: Mujib Kumar Sadasivuni, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-12011/30/2018 (IR(B-II) dated 29.10.2018 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Andhra Bank and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of Andhra Bank, Bobbili Branch, Vizianagaram in not considering the regularization of Sri S. Yugandhar alleged to be working from 01.07.2014 in the post of Sub-Staff engaged on temporary basis against permanent vacancy of Sub-Staff is legal & justified? If not, what relief the concerned workman is entitled to?” And 2) Whether the claim of the union that the Management is not paying wages to Sri S. Yugandhar as per the Minimum Wages Act and Bank’s circular and guidelines contained in Lr. No. 666/20/IR/263 dated 06.12.2005 and Lr. No. 666/3/20/205 dated 23.12.2013 “for payment of appropriate proportionate scale wages to the temporary workmen” is justified? If justified, what relief she is entitled to from 01.07.2014?

The reference is numbered in this Tribunal as I.D. No 103/2018 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite of providing sufficient opportunity petitioner did not filed any claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 23rd day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 फरवरी, 2025

का.आ. 283.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, इंडियन ओवरसीज बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (11/2016) प्रकाशित करती है।

[सं. एल - 12012/9/2015- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 24th February, 2025

S.O. 283.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 11/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Indian Overseas Bank their workmen.

[No. L-12012/9/2015- IR(B-II)]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: **Sri IRFAN QAMAR**

Presiding Officer

Dated the 27th day of January, 2025**INDUSTRIAL DISPUTE No. 11/2016**

Between:

Sri Shiaik Jeelani,

S/o Basheer,

D.No.2-21/2/1, Vellanki Veedhi,

Rajahmundry,

East Godavari District.

..... Petitioner

AND

1. The Chief Manager,
Indian Overseas Bank, Central Office,
P.B. No.3765, 763, Anna Salai,
Chennai – 600 002.

2. The Branch Manager,
Indian Overseas Bank,
Rayapalli Branch, Addeteegala,
East Godavari District.

.... Respondents

Appearances:

For the Petitioner : M/s. M. Panduranga Rao, M. Srikanth, B. Kiran Kumar & G. Sridevi, Advocates

For the Respondent: Sri Alluri Krishnam Raju, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/9/2015- IR(B.II) dated 5/13.1.2016 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Indian Overseas Bank and their workman. The reference is,

SCHEDULE

“Whether the action of the management of Indian Overseas Bank, Rayapalli Branch, East Godavari in terminating the service of Sri Shaik Jeelani, Ex-Clerk is proper, legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 11/2016 and notices were issued to the parties concerned.

2. **The averments made in the claim statement are as follows:**

Petitioner was appointed in the year 1992 as Clerk in the Respondent Bank and was working as Clerk/Shroff/Godown Keeper at the relevant point of time in Rayapalli Branch of Indian Overseas Bank. While working as such, a statement of imputations was made against the Petitioner as detailed below:

"On various dates between 14-12-2007 and 20-12-2009, the holders of various SB Accounts/Borrowers of Rayapalli branch had remitted amounts to the tune of Rs.7,88,900/- for credit of their SB Account/Loan Accounts with the Branch. Mr.Shaik Jeelani (herein after called as CSE) had received the same and recorded the remittances in the relative passbooks. However, the amounts received were not accounted for by you in the books of the Branch/Bank. Thus he had misappropriated a sum of Rs.7,88,900/-.

Later, on various dates between 12-01-2009 and 20-12-2009 when 11 SB Account Holders (out of the above 29 customers) came to the Branch and approached him for withdrawing amount from their SB Accounts, he had effected payment to the tune of Rs.2,26,000/- and recorded the payment in the relative passbooks.

The customers made claim to the tune of Rs.5.62.900/- and Bank is likely to incur a loss to that extent due to your fraudulent acts.

The transactions relating to the 29 accounts are given in the Annexure.

In this connection he had committed the following acts of omission and commission : 1) He had dishonestly and fraudulently misappropriated a sum of Rs.7,88,900/- remitted by holders of SB Accounts/Borrowers on various dates between 14-12-2007 and 20-12-2009 for credit of their S B Loan Accounts.

2) To conceal his fraudulent act, he had recorded the remittances made by the customers in their respective pass books whereas no such entries were reflected in the ledger.

3) When 11 SB Accounts Holders came to the Branch and approached him for withdrawing cash on various dates between 12-01-2009 and 20-12-2009, he had made payment to the tune of Rs.2,26,000/- and made false entries in the relative passbooks for the payment made by him and thereby he had concealed the misappropriation of money committed by him.

The various customers made a claim against the Bank is likely to incur a loss to the tune of Rs.5,62,900/- due to his fraudulent acts."

On the same allegations, a criminal complaint was also filed against the Petitioner in the court of the Judicial Magistrate of First Class, Addateegala. A complaint was given to the Police against the Petitioner and the Sub Inspector of Police, Addateegala police station filed a Charge Sheet against the Petitioner in Crime No.91/2009 for misappropriation of Rs.562900/- of the bank. The court took the cognizance against the Petitioner under Sections 409 and 420 of IPC.

3. Further, a Charge Sheet dt.22.02.2010 was issued to the Petitioner. Petitioner submits that, the person responsible was the immediate superior in the Bank, but the Petitioner was made scapegoat and the charge sheet was given to him. Petitioner was told that, if he admits the contents of the charges, no action would be taken against the Petitioner. As, at that particular point of time, the Petitioner was harassed saying a criminal case will be registered along with departmental enquiry and on the pressure exerted by the superior officer, he has admitted everything under the false impression that, no action would be taken against him. However, the Management has dismissed the Petitioner from service by an order No.C:CDAC:4463 2010, dt. 16.11.2010 issued by the 1st Respondent. It is submitted that, in the criminal case, witnesses were examined and after considering the entire evidence, it has been held that the Petitioner is not guilty for the offence punishable under Sections 409 and 420 of IPC and therefore, the Petitioner was acquitted by judgment in CC No.138/2011, dt.18-06-2014. It is submitted that, the entire enquiry is a farce of enquiry. The whole enquiry was conducted in a routine and mechanical manner. The 1st Respondent failed to apply his mind independently, while issuing the impugned notice order of dismissal dt. 16.11.2010, as he did not delve into the alleged misappropriation made by the Petitioner and the punishment proposed to be inflicted upon Petitioner. It is submitted that, the Petitioner was not given any opportunity to defend himself in the proceedings of enquiry and neither supplied with any documents relied upon by the management nor did he allow to cross examine the management witnesses thereby causing great prejudice to him. It is submitted that, neither the findings of the Enquiry Officer, nor the impugned order gave any reasons, much less valid in nature. Enquiry Officer grossly erred in holding the charges as proved, ignoring the submissions made by the Petitioner. It is submitted that, the Enquiry Officer proceeded with a predetermined and preconceived notion. Exclusively relying upon the evidence of management witness, Enquiry Officer concluded the enquiry. The Enquiry Officer has not considered the submissions made by the Petitioner before arriving at a conclusion. It is predetermined that, even the Disciplinary Authority has

not considered the submissions made by the Petitioner before issuing the impugned order of dismissal, basing on the lopsided enquiry conducted by the Enquiry Officer. It is predetermined that, the Petitioner is the sole bread winner in his family. As a result of his dismissal from service, the Petitioner and his whole family members are facing starvation. It is submitted that, assuming without admitting that the enquiry conducted is correct and proper, even then, for the reasons mentioned above, the punishment of dismissal from service is too harsh, excessive and disproportionate to the charges alleged. The Petitioner has not gainfully employed elsewhere from the date of dismissal to till date. The Petitioner and his family members have become burden to one and all, on account of his dismissal from service. As such, the Petitioner craves indulgence of this Hon'ble Court to modify the punishment of dismissal, to that of any other lesser penalty, so as to survive himself and to look after his family. Therefore, prayed to declare the impugned order dated 16.11.2010 issued by Respondent No.1 as illegal and arbitrary, consequently directing the Respondent to reinstate the Petitioner into service with all consequential benefits.

4. Respondent filed counter denying the averments of the Petitioner sas contended that:-

There is no violation of rules applicable to service conditions of Petitioner or principles of natural justice in conducting Departmental Proceedings by issuing a Charge Sheet and Departmental Enquiry. The Petitioner was represented by Defense Representative before the Enquiry Officer. The charges are proved during the Departmental Enquiry by adducing oral and documentary evidence and the findings of the Enquiry Officer are supported by the evidence available. The punishment imposed to the Petitioner by the Disciplinary Authority is permissible as per the Memorandum of Settlement which governs the rules relating to the Disciplinary Proceedings including the punishment which can be imposed for committing acts which fall under "Gross Misconduct". Furthermore, the Hon'ble Court does not act as an Appellate Authority and cannot re appreciate evidence to determine the findings arrived by the Enquiry Officer, which were accepted by the Disciplinary Authority, are correct or not, unless there is no evidence at all to arrive such conclusion. The Management adduced evidence before the Enquiry Officer and examined MW1 and produced the documents, which were marked as Ex.ME1 to ME24. Further, the Petitioner was represented by the Defence Representative who was an office bearer of the union in which the Petitioner was a member. The Petitioner, in the presence of his defence representative, admitted the charges leveled against him. The Enquiry Officer basing on the evidence produced by the management arrived his conclusions and held that the Petitioner committed the misconduct as alleged in the Charge Sheet dt.22.2.2010. Incidentally, the Enquiry Officer also relied upon the admissions made by Petitioner during the enquiry. However, Enquiry Officer's findings are not solely based on the admissions made by the Petitioner. The findings are fortified by oral and documentary evidence brought on record by the management during the proceedings conducted on 28.9.2010. The charges leveled vide Charge Sheet dt.22.2.2010 are duly proved during the Departmental Enquiry conducted as per the rules applicable and further, the Petitioner himself admitted the charges and the defence representative did not even cross examine MW1 in respect of the oral statements made by him and the documents produced. The serious charges, which are in the nature of fraudulent acts committed by the Petitioner by committing breach of trust and misappropriation of the amounts received from the customers of the bank in official capacity while working as Clerk cum Cashier are proved. The Respondent bank management lost confidence on the honesty and integrity of the Petitioner and if he is continued as an employee, the Respondent would be exposing itself to further loss. The Respondent bank being a commercial bank, which handles public money, cannot retain the person like the Petitioner, who committed gross misconduct in the employment and he deserves extreme punishment of dismissal. Therefore, the punishment imposed by the Disciplinary Authority vide impugned proceedings dt.16.11.2010 is not disproportionate to the misconduct committed by him. Hence, there are no grounds to interfere with the punishment imposed to the Petitioner by the Disciplinary Authority. Enquiry Officer submitted Enquiry Report dt.8.10.2010 to the 1st Respondent who is the Disciplinary Authority. It is also matter of record that the petition participated in the enquiry along with his defence representative and the Enquiry Officer gave his findings in regard to the charges leveled against him vide Charge Sheet dt.22.2.2010. The Enquiry Officer after evaluating the evidence placed on record in the presence of the Petitioner and his defense representative in the form of oral and documentary evidence(MW1) and ME1 to ME24 held that the Petitioner dishonestly and fraudulently misappropriated a sum of Rs.7,88,900/- remitted by holders of SB Accounts/Borrowers on various dates between 14.12.2007 and 20.12.2009 for credit of their SB and loan accounts and to shield his fraudulent act, the Petitioner had recorded the remittances made by the customers in their respective pass books and whereas no such entries were reflected in the ledger etc. In concluding para, the Enquiry Officer also referred that the Petitioner accepted his guilt voluntarily and unconditionally and expressed that he was aware of the consequences of such unconditional acceptance of his guilt. It is incorrect to say that the Enquiry Officer's findings are solely on the basis of the admissions made by the Petitioner. The Enquiry Officer categorically recorded that material evidence placed before the enquiry clearly proved the charges as per the charge sheet and nothing has been denied by the Petitioner. Therefore, the charges are duly proved during the enquiry. On the basis of material placed by the management, the Enquiry Officer held that the charges are proved. There is no illegality in taking into cognizance of his admissions to arrive at the findings about the charges leveled against the Petitioner. The Disciplinary Authority issued show cause notice dt.23.10.2010 proposing to award the punishment of dismissal from service in terms of Clause 6 (a) of Memorandum of Settlement dt.10.4.2002 and he has given an opportunity in the form of personal hearing to the Petitioner before passing the final orders in the proceedings initiated pursuant to charge sheet dt.22.2.2010. It is incorrect to say that without considering the explanation given by the Petitioner, the Disciplinary

Authority passed order dt. 16.11.2010 awarding the punishment of dismissal from service. The Disciplinary Authority in his order dt. 16. 11.2010 recorded that the Petitioner attended the personal hearing on 16.11.2010 and on conclusion of the personal hearing the Petitioner refused to sign the proceedings and left the premises abruptly handing over a representation to him. Further, he also recorded that he has gone through the Petitioner's letter dt. 16.11.2010 and the entire record and the submissions made by the Petitioner in the personal hearing. Therefore, it is incorrect to say that the Disciplinary Authority did not consider the explanation given by the Petitioner on 16.11.2010 to the Disciplinary Authority. It is a matter of record that the Petitioner was appointed as Messenger in Respondent bank and later on he was promoted as Clerk cum Cashier and posted at Srikakulam, and subsequently, he was transferred to Rayapalli Branch. It is a matter of record that the Petitioner while working at Rayapalli Branch was issued Charge Sheet dt.22.2.2010 in regard to various acts committed by him as it is a matter of record that in regard to the misconduct for which Charge Sheet dt.22.2.2010 was issued, the Respondent Bank Management lodged a complaint with the Police as the said misconduct also constitutes an offense under Indian Penal Code and they have registered a Crime No.91/2009 case was detailed in the charge sheet registered before Judicial Magistrate of First Class vide CC No. 138/2011 and he was working as a Cashier at Raipalli Branch from 12.5.2003 and he was kept under suspension on 3.10.2010 and the Petitioner in the capacity of Cashier received deposit receipts from PW3 to PW30 who are SB Account Holders/Customers of the Bank and the counterfoils of the deposit forms were given to the account holders but he did not bring the deposited amounts in the books of accounts of the bank and misappropriated an amount of Rs.5,62,900/- and the case was taken cognizance against the Petitioner under Sec. 409 & 420 of IPC. It is false to say that the person responsible for misappropriation of the amounts of the customers was the immediate superior in the Respondent Bank and the Petitioner was made scape goat and the Charge Sheet was given to him and he was told that if he admits the contents of the charges no action would be taken against Petitioner and as at that point of time Petitioner was harassed saying a criminal case will be registered along with Departmental Enquiry and on the pressure exerted by the Superior Officer Petitioner admitted everything under the false impression that no action would be taken against him. It is a matter of record that the Disciplinary Authority vide order dt. 16.11.2010 imposed the punishment of dismissal to the Petitioner. It is a matter of record that in CC No. 138/ 2011, the Criminal Court vide judgment dt. 18.6.2014 held the Petitioner is not guilty but it is absolutely incorrect to say that he was honorably acquitted by the Criminal Court. It is submitted that in para 63 & 64 of the judgment held as detailed hereunder.

“63. From the discussion above all I feel that the prosecution failed to established the guilty of the accused for the offences punishable under Sec. 409, 420 IPC beyond all reasonable doubt.

64. From the discussion above all I feel that the prosecution failed to prove the dishonest intention, entrustment, motive of the accused have criminal breach of trust for misappropriation of the deposit amounts of the customers of I.O.B. Rayapalli Branch in the capacity of Clerk-cum-Cashier. As such the prosecution failed to connect the accused for the offences punishable under Sec. 409, 420 IPC. The non-examination of author of the Ex.Pl Report, L.W.35 Investigating Officer and non-production of original documents by the I.O.B. Rayapalli Branch for comparison of the Handwriting expert is great fatal to the prosecution case. Hence, the accused is entitled for benefit of doubt.”

Therefore, it is manifest that the Petitioner was given a benefit of doubt by the Criminal Court and acquitted him. It is incorrect to say that the Enquiry Officer in his report did not give any reasons for the findings arrived and the Disciplinary Authority in his order dt. 16.11.2010 did not give reasons for imposing severe punishment and the Enquiry Officer while arriving the findings ignored the submissions made by the Petitioner. It is hereby denied that the Petitioner is the sole breadwinner in his family and as a result of his dismissal from service, the Petitioner and his family members are facing starvation. The contention of the Petitioner that even if the enquiry conducted is valid under law, the punishment of dismissal from Service is too harsh, excessive and disproportionate to the charges leveled is baseless and it is hereby denied. The Respondent denies that the Petitioner is not gainfully employed elsewhere from the date of dismissal to till date and he and his family members have become burden to one and all. However, it is pertinent to submit that the Petitioner filed WP No.17909/2013 before the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of AP and in the said writ petition, the Respondent Management filed counter affidavit on 17.8.2015 vide USR No.17537/2015 and as per the information available to the Respondent Bank, the said WP is still pending before the Hon'ble High Court. The said WP also relates to the punishment imposed by the Disciplinary Authority vide order dt. 16.11.2010, and therefore, this Hon'ble Court cannot adjudicate into the matter as WP is filed prior to the reference sought and is pending for adjudication by the Hon'ble High Court which is having a supervisory jurisdiction over the Hon'ble Tribunal under Article 226 & 227 of Constitution of India. The various reliefs sought by the Petitioner are not tenable under law and the same are liable to be rejected by this Tribunal. Hence, prayed to reject the relief sought by Petitioner.

5. On the basis of rival pleadings of both the parties following points emerge for determination in this matter:-

- I. Whether Departmental enquiry held against the chargesheeted employee is legal and justified?
- II. Whether the action of the management of Indian Overseas Bank Rayapalli branch, East Godavari district in terminating the services of the Petitioner Sri Shaikh Jeelani, Ex-Clerk is proper legal and justified?

III. To what relief if any the Petitioner is entitled for?

Findings:-

6. **Point No.I:-** The legality and validity of departmental enquiry has been held legal and valid vide order dated 18.8.2023 by the Tribunal.

This point is answered accordingly.

7. **Point No.II:-** In the instant matter Petitioner has challenged his dismissal order dated 16.11.2010 issued by 1st Respondent whereby services of the Petitioner has been terminated. Petitioner claims that he was appointed in the year 1992 as a clerk in the Respondent bank and while working as such the chargesheet was issued to him by the first Respondent wherein it was alleged that Petitioner has fraudulently misappropriated sum to a tune of Rs.7,88,900/- remitted by the SB account holders of the bank on various dates between 14.12.2007 and 20.12.2009 for credit of their bank accounts. Further, it was alleged that in order to conceal his fraudulent act Petitioner had recorded the remittances made by the customers in their respective passbooks whereas no such entries were reflected in the Ledger and thirdly when 11 SB account holders came to the branch and approached him for withdrawing cash on various dates between 12th January 2009 and 20th December 2009 Petitioner had made payment to them to the tune of Rs.2,26,000/- and also made false entries in the relative passbooks for the payment made by him and thereby he had concealed the misappropriation of money committed by him. The departmental enquiry in relation to aforesaid charges was conducted against the Petitioner and he was found guilty of committing the misconduct of misappropriation of bank account as per clause 5(d) of memorandum of settlement dated 10th April 2002. Departmental Authority after issuing show cause notice and according the hearing opportunity to chargesheeted employee has awarded the punishment of dismissal in terms of class 6(a) of memorandum of settlement dated 10th April 2002.

8. Petitioner has taken the plea that he was not given any opportunity to defend himself in the proceeding of enquiry and he was not supplied with any documents relied upon by the Management nor he was allowed to cross examine the management witness and due to aforesaid conduct of Enquiry Officer. The Petitioner has been put to great prejudice. Further, it is submitted that neither the finding of the Enquiry Officer nor the impugned order give any reasons much less valid in nature. Further, it is submitted that Enquiry Officer has not considered the submission made by the Petitioner before arriving at a conclusion and conduct of the Enquiry Officer shows his predetermined nature. Therefore impugned order of dismissal dated 16th November 2010 is liable to be set aside.

9. In view of the submissions made by the Petitioner perused the record of enquiry proceeding. The legality and validity of domestic enquiry has been held legal and validity valid by the Tribunal vide order dated 18th August 2023. However, the record of enquiry proceeding goes to reveal that the Petitioner was given fair opportunity of hearing at every stage of the enquiry proceeding and he never raised any objection complaining any prejudice occurred to him before the Enquiry Officer. Further the record of enquiry proceeding goes to reveal that during the enquiry proceeding dated 28th September 2010 charge sheeted employee has stated that he admit all the charges voluntarily and unconditionally. Further, he states that he admits all the charges unconditionally and voluntarily knowing fully well the consequences of such admission.

10. Thus, the Petitioner /chargesheeted employee has admitted all the charges of misappropriation vide charge sheet dated 22.2.2010 framed against him during the enquiry proceeding knowing the consequences of such admission. Further, enquiry proceeding reveals that the department during the enquiry proceeding has produced the documentary evidence Ex.MEx.1 to MEx.23. The details of the documents has been deposed by the Management witness. MW1, but despite the opportunity to cross examine MW1 accorded to the charge sheeted employee, DR refused to cross examine Management witness. On the ground that charge sheeted employee has already admitted his guilt, there is no need to cross examine the management witness. Thus, enquiry proceeding against the charge sheeted employee Petitioner was conducted by following principles of natural justice. On the basis of appreciation of documentary and oral evidence recorded in Enquiry, Enquiry Officer has submitted his report finding the charge sheeted employee guilty of the Charges of committing gross misconduct of misappropriation within the meaning of clause 5(b) of Memorandum of Settlement dated 10th April 2002. Thus, the Enquiry Officer on the basis of documentary and oral evidence has submitted his reasoned report to Disciplinary Authority holding the charge sheeted employee guilty of all the charges. In view of the above, no case is made out to hold that the departmental enquiry suffers from any procedural lapses or was conducted in violation of the principles of natural justice, thereby causing any prejudice to the rights of the Petitioner.

11. Once it is held that the domestic enquiry is legal and proper, the next question arises for consideration is as to whether the punishment of dismissal imposed against the Petitioner by Disciplinary Authority is just and legal, or it is just and proper to the gravity of the charges. It is undisputed that the charges held proved against the Petitioner for gross misconduct, within the meaning of clause 5(d) of the Memorandum of Settlement are, serious in nature.

“Clause 6 of bipartite settlement dated 10th April 2002 provides for punishment for guilty of gross misconduct:-

- a) *be dismissed without notice; or*
- b) *be removed from service with superannuation benefits; or*
- c) *be compulsorily retired with superannuation benefits; or*
- d) *be discharged with superannuation benefits etc..”*

The Gross Misconduct has been defined by Clause 5 of the Bipartite Settlement, which reads as under:-

“5. By the expression "gross misconduct" shall be meant any of the following acts and omissions on the part of an employee:

- (a) engaging in any trade or business outside the scope of his duties except with the written permission of the bank;*
- (b) unauthorised disclosure of information regarding the affairs of the bank or any of its customers or any other person connected with the business of the bank which is confidential or the disclosure of which is likely to be prejudicial to the interests of the bank;*
- (c) drunkenness or riotous or disorderly or indecent behavior on the premises of the bank;*
- (d) willful damage or attempt to cause damage to the property of the bank or any of its customers;*
- (e) wilful insubordination or disobedience of any lawful and reasonable order of the management or of a superior;”*

Thus, the Disciplinary Authority on perusal of enquiry proceeding and appreciating the evidence on record as well as admission of CSE and also hearing the CSE, has arrived at conclusion that CSE herein Petitioner has admitted gross misconduct of misappropriation of amount and also found that there was no extenuating factors for award of lesser punishment. Hence, Disciplinary Authority awarded the punishment of dismissal without notice to Petitioner. In view of the above, I am of the opinion that there is no illegality or irregularity in passing the order of dismissal of Petitioner by the Respondent. Thus, I found no force in the submission of Petitioner that the punishment awarded to him is disproportionate.

In this context, I would like to make reference of few decisions of Hon'ble Supreme Court which are discussed below:-

In the case of Divisional Controller, NEKRTC vs. Amaresh, AIR 2006, SC page 2730, wherein Hon'ble Supreme Court of India have held,

“amount misappropriated is not relevant to decide the quantum of punishment and it is always a question of loss of confidence by the management in the employee that matters.”

Further, in the case of Chairman and Managing Director, United Commercial Bank vs. PC Kakkar AIR 2003 SC page 3571, Hon'ble Supreme Court of India have held,

“Bank officer is required to exercise higher standards of honesty and integrity -Defence that there was no loss of profit resulting – not available when delinquent employee acted without authority- High Court setting aside as shockingly disproportionate without indicating reasons – Amounts to denial of justice- fact that co-delinquent is given lesser punishment – can also be no ground for interference.”

Further, in JP Jain Vs. Management of State Bank of India 1982 AIR page 673,

“ the facts of the case are that the Appellant was working as cashier in the Meerut State branch of State Bank of India, the complainant, came to bank to receive his pass book. On receipt of pass book accountholder complained that he had withdrawn only Rs.500/- but there is entry of Rs.1500/- as shown in the passbook. The complainant reported matter to the Supervisor R K Gupta, and necessary documents pertaining to such withdrawal were examined and it was found that the complainant has given a letter of authority to the Appellant workman and authorizing to withdraw the amount Rs.500/-from his account. The said authority letter was for withdrawal of Rs.500/-, but, workman acting as cashier manipulated figure in the letter from Rs.500/- to Rs.1500/- and withdrawn the amount retained Rs.1000/- with him.

In that case enquiry was held and the casual Appellant was dismissed from the job. In the case the alleged misconduct of the Appellant to produce forged documents and withdrew Rs.1500/- instead Rs.500/- and Rs.1000/- in excess of the amount which he was not authorized misappropriated it. In that case Appellant had submitted his confession letter and on the basis of the confession letter and substantial evidence he was terminated from the service and the Hon'ble Apex Court upheld the termination of the Appellant.” Therefore, plea of Petitioner that his letter of admission of guilt is not admissible evidence is not tenable.

In the case of Darshan Singh Vs. Canara Bank CWP No.10458/ 2003 D.O.D. 6.4.2017 High Court held:

“the Court has rightly observed that oral evidence contrary to documentary evidence and entries has not to be believed this was the case defendant for proof of misconduct on documentary evidence and entries in the Saving Bank

Account pass book and ledger folios etc.. The workman admitted that these entries made by him saying that it was made under bonafide mistake. Such act have serious propensities which when made public a bank might loss its reputation and confidence in investing public, not continue employment. It was the case of misappropriation. Even if it is classified as temporary misappropriation or temporary embezzlement both are bad of law. Workman therefore, cannot be absolved simply, by saying that entries were some bonafide mistake. In the opinion of Labour Court no lenience can be shown to the workman. Once the misconduct is proved in the enquiry conducted by employer, punishment imposed cannot be interfered with by the Tribunal except in cases where the punishment is so harsh as to suggest victimization."

Thus, in view of fore gone discussion and law laid down by the Hon'ble Apex Court as discussed above, the Petitioner has been found guilty of gross misconduct of misappropriation of the amount and he has also admitted his guilt. Therefore, in view of the law laid down by the Hon'ble Apex Court in the case of Karnataka Bank Limited vs. K L Mohan Rao, the gross misconduct of this nature does merit termination and there is no occasion for this court to interfere in the case of gross misconduct of this nature with the decision of disciplinary authority so long as enquiry has been held fair and proper and misconduct proved. Further, it is settled law that the Disciplinary Authority has jurisdiction to decide what is the fit punishment. In any case of such a misconduct of misappropriation it would never even said that termination of service is not appropriate punishment. Therefore, the plea of the Petitioner in this regard is untenable.

12. Further, the Petitioner has taken the plea that he was made scapegoat and charge sheet was given to him and he was told by the superiors that if he admits the contents of charge sheet no action would be taken against him. But the Petitioner has nowhere stated during the enquiry that he has admitted the charges alleged against him on the promise of non action against him. The Petitioner has not given the evidence that which authority has given him assurance in this regard. Thus, for the want of such evidence the plea taken by the Petitioner in this respect is vague and not acceptable.

13. Further, Petitioner has taken the plea that he has been acquitted from the criminal case registered against him under Section 409 and 420 of the IPC by trial court and he was found not guilty of the charges. Petitioner has filed the photocopy of the judgement passed by Judl. Magistrate First Class in CC No. 136/2011. The perusal of the said judgement reveals that the trial court of Judl. Magistrate First Class has recorded the finding that the prosecution failed to establish the guilt of the accused for the offence punishable under section 409, 420 beyond all reasonable doubt. Therefore, the accused was acquitted on the ground of benefit of doubt. Thus, the judgement of the Trial Court would not reveal that the Petitioner was acquitted honourably and but he was acquitted on the basis of benefit of doubt. In this context, I would like to make reference of the decision of Hon'ble Supreme Court in this case of **State of Rajasthan vs. Heemsingh Civil Appeal No.3340/2020** date of decision 29.10.2021, while relying on its earlier decision, in the case of **Southern Railway Association Vs. Union of India** have held:-

"In [Southern Railway Officers Association v. Union of India](#) 9, this Court held:

"37. Acquittal in a criminal case by itself cannot be a ground for interfering with an order of punishment imposed by the disciplinary authority. The High Court did not say that the said fact had not been taken into consideration. The revisional authority did so. It is now a well-settled principle of law that the order of dismissal can be passed even if the delinquent official had been acquitted of the criminal charge." (emphasis supplied)

In [Inspector General of Police v. S. Samuthiram](#) 10, a two-Judge Bench of this Court held that unless the accused has an "honorable acquittal" in their criminal trial, as opposed to an acquittal due to witnesses turning hostile or for technical reasons, the acquittal shall not affect the decision in the disciplinary proceedings and lead to automatic reinstatement. But the penal statutes governing substance or procedure do not allude to an "honourable acquittal".

Therefore, in view of the fore gone discussion and law laid down by the Hon'ble Apex Court as discussed above the plea of the Petitioner that he has been acquitted from the criminal charge by Trial Court, hence, no impact upon the order passed by Disciplinary Authority of dismissal of the Petitioner for gross misconduct.

14. Therefore, in view of the fore gone discussion and law laid down by the Hon'ble Apex Court as discussed above, in this instant matter Petitioner has been found guilty of the gross misconduct of misappropriation of Rs. 7,88,900/- amount of various customers of the bank. Therefore, the bank management has lost its confidence in the Petitioner as regards to his integrity and honesty and therefore, the dismissal order of Petitioner passed by Respondent Management cannot be said in any manner disproportionate to the misconduct committed by him. Thus, it is found to be commensurate to the charges of misappropriation levelled against him and proved in disciplinary proceeding.

This point is answered against the Petitioner and in favour of the Respondent.

15. **Point No.III:** In view of the finding given in Points No. I & II, the Petitioner is not entitled to get any relief and this petition is found to be baseless, hence, liable to be dismissed.

Therefore, Point No.III is decided accordingly.

AWARD

The action of the management of Indian Overseas Bank, Rayapalli Branch, East Godavari in terminating the service of Sri Shaik Jeelani, Ex-Clerk vide order dated 16.11.2010 is held proper, legal and justified. The workman is not entitled to any relief as prayed for. Reference is answered accordingly.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 27th day of January, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 फरवरी, 2025

का.आ. 284.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (25/2023-24) प्रकाशित करती है।

[सं. एल - 12025/01/2025- आई आर (बी- I)-24]

सलोनी, उप निदेशक

New Delhi, the 24th February, 2025

S.O. 284.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 25/2023-24) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India their workmen.

[No. L-12025/01/2025- IR(B-I)-24]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/25/2023-24

Date: 23.01.2025.

Party No.1:

The Assistant General Manager,
State Bank Of India, R.B.O., 1st
Floor, Above Wardha Main Branch,
J.C. Kumarappa Marg, Maganwadi,
Wardha-442001
The OAD & Disciplinary Secretary,
State Bank of India, Local Head

Office, Maharashtra Circle, Bandra
Kurla Complex, Mumbai-400051.

V/s.

Party No.2: The General Secretary,
United Bank Employees, Union,
Plot No. 20 Sant Gyaneshwar Society,
Koradi Road, Mankapur, Nagpur
Pin-440030.

AWARD

(Dated: 23rd January, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of State Bank of India, R.B.O. Wardha through its Assistant General Manager and State Bank of India and their workman, Shri Anilbabu Shravan Sakhare for adjudication, as per letter **No.24(54)/2023-IR dated 13.12.2023**, with the following schedule:-

"Whether the action of the management of State Bank of India, R.B.O. Wardha through its Assistant General Manager and State Bank of India, Local Head Office, Maharashtra Circle, Mumbai through its OAD & Disciplinary Authority in suspending the workman Shri Anilbabu Shravan Sakhare without completion of disciplinary proceeding is legal & justified? If not, to what relief the workman/ Union is entitled to?"

2. Case called out. Learned Counsel for respondent Shri. Dadu Sachdeva is present before the Court. None were present on behalf of petitioner. This reference has been received on 18.12.2023. Order has passed to register the case and notice has been issued to the parties. With regard to service of notice acknowledgement is attached with file in which notice have been served to the petitioner. No statement of claim and written statement have been filed till date. Case is not proved by petitioner by adducing his evidence.

3. As the petitioner is not coming since beginning i.e. from 18.01.2024 shows that petitioner is not interested to contest the case and did not want to proceed with the reference, so it was closed.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The action of the management of State Bank of India, R.B.O. Wardha through its Assistant General Manager and State Bank of India, Local Head Office, Maharashtra Circle, Mumbai through its OAD & Disciplinary Authority in suspending the workman Shri Anilbabu Shravan Sakhare without completion of disciplinary proceeding is legal & justified. The workman is not entitled to any relief.

Justice (retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 24 फरवरी, 2025

का.आ. 285.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विजय बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (18/2018-19) प्रकाशित करती है।

[सं. एल - 12012/98/2017-आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 24th February, 2025

S.O. 285.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.18/2018-19) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of Vijay Bank their workmen.

[No. L-12012/98/2017- IR(B-II)]

SALONI, Dy. Director

ANNEXURE**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR
COURT, NAGPUR**

Case No.CGIT/NGP/18/2018-19

Date: 31.01.2025.

Party No.1: The Branch Manager,
Vijaya Bank,
Kothari Complex, Shivaji Nagar,
Nanded, Distt. Nanded.
Maharashtra.

V/s.

Party No.2: Shri Krishnakumar Mohan Kandhare,
R/o Gowardhanghat Tekadi,
Post- Wajirabad, Nanded,
Distt. Nanded.
Maharashtra

AWARD(Dated: 31st January, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Vijaya Bank, through the General Manager, Shivaji Nagar, Nanded and their workman, Shri Krishnakumar Mohan Kandhare, for adjudication, as per letter **No. L-12012/98/2017 (IR(B-II)) dated 25.04.2018**, with the following schedule:-

"Whether the action of the management of Vijaya Bank, through the General Manager, Shivaji Nagar, Nanded, in terminating the service of the applicant Shri Krishnakumar Mohan Kandhare, Ex-Part time Sweeper w.e.f. 10/12/2012 alleged to have worked from February, 1998 is fair, just or legal? If not, to what relief the concerned workman is entitled to?"

2. Case called out. Both the parties are absent. Both the parties are not attending the Court since 10/11/2021. Statement of claim on behalf of the petitioner and written statement on behalf of the respondent has been filed. Affidavit of petitioner and his witness have been filed but these were not proved by adducing them before the Court. No other evidence has been filed by the petitioner to establish the contents of the statement of claim.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The action of the management of Vijaya Bank, through the General Manager, Shivaji Nagar, Nanded, in terminating the service of the applicant Shri Krishnakumar Mohan Kandhare, Ex-Part time Sweeper w.e.f. 10/12/2012 alleged to have worked from February, 1998 is fair, just or legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer